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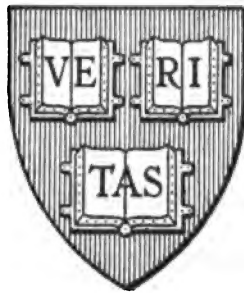
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B I L L S,

PUBLIC:

SEVEN VOLUMES.

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— (2.) —

DESTRUCTIVE INSECTS [H. L.]

TO

IRISH PEERAGE [H. L.].

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Session

8 February — 14 August 1877.

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<sup>2</sup>  
VOL. II.

1877.

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1879, Oct. 6.  
Lumber Yard.

# B I L L S :

1877.

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A  
B I L L

INTITULED

- . An Act for preventing the introduction and spreading of A.D. 1877.  
Insects destructive to Crops.

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[NOTE.—*The Clauses printed in red ink are proposed to be inserted in Committee.*]

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**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 *Great Britain.*

1. The Lords and others of Her Majesty's Most Honourable Privy Council (in this Act referred to as the Privy Council) may from time to time make such Orders as they think expedient for preventing the introduction into Great Britain of the insect designated as  
10 *doryphora decemlineata*, and commonly called the Colorado beetle.

Power to Privy Council to make Orders for preventing introduction of destructive insects.

- Any such Order, if the Privy Council think fit, may prohibit or regulate the landing in Great Britain of potatoes, or of the stalks and leaves of potatoes, or other vegetable substance, or other article, brought from any place out of Great Britain, the landing whereof  
15 may appear to the Privy Council likely to introduce the said insect into Great Britain, and may direct or authorize the destruction of any such article, if landed.

- If any person lands or attempts to land any article in contravention of any Order under this Act, such article shall be liable to  
20 be forfeited in like manner as goods the importation whereof is prohibited by the Acts relating to the Customs are liable to be forfeited; and the person so offending shall be liable, according to those Acts, to such penalties as are imposed on persons importing or attempting to import goods the importation whereof is prohibited by those Acts.

- 25 2. The Privy Council may from time to time make such Orders as they think expedient for preventing the spreading in Great Britain of the said insect.

Power to Privy Council to make Orders for preventing spreading of destructive insects.

- Any such Order may, if the Privy Council think fit, direct or authorize the removal or destruction of any crop of potatoes or  
30 other crop or substance on which the said insect in any stage of

[Bill 281.]

A.D. 1877. — existence is found, or to or by means of which the said insect may appear to the Privy Council likely to spread, and the entering on any lands for the purpose of such removal or destruction, or for the purpose of any examination or inquiry authorized by the Order, or for any other purpose of the Order. 5

Any such Order may, if the Privy Council think fit, prohibit the keeping, selling, or exposing or offering for sale, or the keeping of living specimens of the said insect, in any stage of existence, or the distribution in any manner of such specimens.

Any such Order may impose penalties for offences against the Order, not exceeding ten pounds for any offence; and those penalties shall by virtue of this Act be recoverable, with costs, on summary conviction before two justices of the peace, and shall be applied as penalties recovered under the Contagious Diseases (Animals) Act, 1869, are applicable. 15

Compensation for crops.

Where by any Order under this Act, the Privy Council direct or authorize the removal or destruction of any crop, they may direct or authorize the payment by the local authority of compensation for the crop; and the local authority shall pay the same, subject and according to the following provisions: 20

(1.) In the case of a crop on which the said insect, in any stage of existence, is found, the compensation shall not exceed one half of the value of the crop.

(2.) In every other case the compensation shall not exceed three fourths of the value of the crop. 25

(3.) The value of the crop shall in each case be taken to be the value which, in ordinary circumstances, the crop would have had at the time of its removal or destruction.

(4.) The local authority may, if they think fit, require the value of the crop to be ascertained by their officers or by arbitration. 30

(5.) The local authority may, if they think fit, withhold compensation if, in relation to the crop, the owner or the person having charge thereof, has, in their judgment, done anything in contravention of, or failed to do anything in compliance with, any Order under this Act. 35

Local authorities and execution of Orders of Council.

**3. The Local Authorities under the Contagious Diseases (Animals) Act, 1869, with their respective districts, local rates, clerks, and committees, shall be, in like manner, Local Authorities for the purposes of this Act.**

The Privy Council may, if they think fit, require a Local Authority to carry into effect any Order of the Privy Council under this Act. 40

The expenses incurred and compensation paid by a Local Authority in pursuance of any Order under this Act shall be paid by them out of the local rate. A.D. 1877.

Every local authority shall keep in such manner and form as the Privy Council from time to time by Order direct, a record relative to proceedings in pursuance of any Order under this Act, stating the date of the removal or destruction of any crop or substance, and other proper particulars, which record shall be admitted in evidence.

4. Every Order of the Privy Council under this Act shall be published, if it relates to England, in the London Gazette, and, if it relates to Scotland, in the Edinburgh Gazette; save that, where the Order affects only specified lands, the insertion in the London or Edinburgh Gazette (as the case may require) of a notice of the making of the Order shall be sufficient. Publication of Orders of Council.

Any Order of the Privy Council under this Act shall be published by any Local Authority, to whom it is sent by the Privy Council for publication, in such manner as the Privy Council direct, and, subject to, or in the absence of, any such direction, in such manner as the Local Authority think sufficient and proper to insure publicity.

5. The powers by this Act conferred on the Privy Council may be exercised by any two or more of the Lords and others of the Privy Council, and, as regards the making of Orders affecting only specified lands, may be exercised by the Lord President or one of Her Majesty's Principal Secretaries of State. Exercise of powers of Act by Privy Council.

### *Ireland.*

6. The foregoing provisions of this Act shall apply to Ireland, as if Ireland were named therein instead of Great Britain, but subject to the provisions of this section : Application of Act to Ireland.

(1.) The powers conferred on the Privy Council shall be vested in the Lord Lieutenant, or other chief governor or governors, of Ireland, acting by the advice of Her Majesty's Privy Council in Ireland.

(2.) The Local Authorities shall be the boards of guardians of the several poor law unions.

(3.) The expenses incurred and compensation paid by a Local Authority shall be paid by the treasurer of the union out of union funds, that is to say, out of any money in his hands to the credit of the guardians of the union, and if there is not sufficient money in his hands, then out of the money next received by him and placed to their credit.

[281.]

A.D. 1877. (4.) Penalties (other than penalties recoverable under the Acts relating to the Customs) shall be recovered in a summary manner, and shall be applied according to the provisions of the Fines Act (Ireland), 1851, and any Act amending the same.

(5.) Orders shall be published in the Dublin Gazette.

5

*General.*

Orders to  
be laid be-  
fore Houses  
of Parlia-  
ment.

7. Every Order under this Act shall be laid before both Houses of Parliament, within ten days after the making thereof, if Parliament is then sitting, and if not, then within ten days after the next meeting of Parliament.

10

Expenses of  
Act.

The expenses of the execution of this Act, other than expenses and compensation paid by Local Authorities, shall be paid out of money to be provided by Parliament.

Short title.

8. This Act may be cited as The Destructive Insects Act, 1877.

# **Destructive Insects.**

[H.L.]

A

**B I L L**

INTITLED

An Act for preventing the introduction  
and spreading of Insects destructive  
to Crops.

(Brought from the Lords 9 August 1877.)

*Ordered by the House of Commons, to be Printed,  
9 August 1877.*

[Bill 281.]

*Under 1. oz.*

# **Divine Worship Facilities Bill.**

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## **ARRANGEMENT OF CLAUSES.**

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**Clause.**

1. Short title.
  2. The bishop may license a clergyman in certain cases.
  3. Licence in cases of insufficient accommodation.
  4. Licence in cases of habitual neglect of duty.
  5. Commission of inquiry.
  6. Who are to be commissioners.
  7. Proceedings of commissioners.
  8. Conditions of licence.
  9. Avoidance of licence on new incumbency, except where the consent of the patron has been obtained to assignment of conventional district.
  10. Revocation of licence.
  11. Appeals.
  12. Disposal of alms.
  13. Fees payable under this Act.
  14. Declaration by applicants, &c.
  15. Interpretation of terms.
-





A  
B I L L

TO

Provide further facilities for the Performance of Divine A.D. 1877.  
Worship according to the Rites of the Church of England.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5   1. This Act may be cited as the "Additional Facilities for Divine Worship Act, 1877." Short title.

2. Whenever the bishop of a diocese, either from his own knowledge, or in consequence of an application made to him in writing by the archdeacon of the archdeaconry within which any  
10 parish is situate, or by a churchwarden of any parish, or by any twenty-five parishioners of any parish, shall have reason to believe that it would be expedient that additional facilities for the performance of Divine worship should be provided in such parish, being a parish within such diocese, the said bishop may, if he think fit, in certain  
15 cases, and subject to certain limitations, herein-after mentioned, license a clergyman to officiate within such parish, subject to the provisions herein-after contained.

3. The bishop may grant a licence under this Act where the accommodation provided by existing churches or other consecrated  
20 or licensed buildings within the parish is insufficient in amount for the requirements of the inhabitants of such parish. Licence in cases of insufficient accommodation.

Before granting a licence under this section, the bishop shall give *three months* notice in writing to the incumbent, and shall in such notice state the reasons for granting such licence; and such incumbent may, within such *three months*, make provision for additional  
25 accommodation to the satisfaction of the bishop, or may transmit to the bishop in writing a statement of the time and manner in which he would provide the additional accommodation required by the

[Bill 47.]

A 2

A.D. 1877. — bishop, or the said incumbent may in such statement object to the proposed grant of such licence, and may state the reasons for his disapproval of the grant of such licence.

No licence shall be granted under this section unless the payment to the clergyman licensed thereby of such stipend as the bishop shall in such licence direct is secured and sufficient additional accommodation is provided to the satisfaction of such bishop. In the event of the stipend of any clergyman to be licensed under this section being secured by a fund subscribed or guaranteed by parishioners, the bishop shall license such clergyman, if any, as may be nominated to him by the persons subscribing or guaranteeing such fund, or the major part of them; provided that if the bishop shall not think that the clergyman so nominated to him as aforesaid is a fit person to be licensed, he may license any other clergyman to officiate under this section. 15

In any licence granted under this section the bishop shall assign a conventional district to the clergyman named in such licence, and the consent of the incumbent shall not be necessary thereto.

Licence in cases of habitual neglect of duty.

4. The bishop may grant a licence under this Act when the incumbent has habitually neglected to discharge the duties appertaining to the cure of souls in his parish. 20

Before granting a licence under this section, the bishop shall give *three months* notice in writing to the incumbent, requiring such incumbent to nominate to him a fit person with a sufficient stipend to be licensed by such bishop to perform or assist in performing such duties; and such bishop shall specify in such notice the grounds of such requisition; and such licence shall not be granted if the incumbent complies within such three months with such requisition. 25

1 & 2 Vict.  
c. 106. s. 77.

In every licence granted under this section the bishop shall appoint the stipend to be paid to the clergyman licensed thereby; and such stipend shall be paid by the incumbent, and shall not exceed the stipend which may be granted to a curate licensed by the bishop under an Act of the first and second year of the reign of Her Majesty, chapter one hundred and six, section seventy-seven; and the payment of such stipend may be enforced by the bishop by monition, and by sequestration of the profits of the benefice held by such incumbent. 30 35

Commission of inquiry.

5. Before granting a licence under this Act, the bishop may, if he shall think fit, or shall, if requested in writing either by the incumbent or by the person or persons making the application for such licence, appoint a commission of inquiry as hereinafter 40

provided, and in such case the bishop shall not grant the licence unless the report of the commission be favourable thereto. A.D. 1877.

6. The commission shall consist of *five* persons. One of the commissioners shall be the archdeacon of an archdeaconry or the rural dean of a rural deanery of the diocese within which the parish is situate, as the bishop may determine. One commissioner shall be an incumbent of the diocese nominated by the incumbent. One commissioner shall be an incumbent of the diocese nominated by the person or persons making the application, or by the majority of such persons. One commissioner shall be a magistrate, being in the commission of the peace for the county wherein the parish church of the parish is situate, nominated by the incumbent. One commissioner shall be a magistrate, being in the commission of the peace for the county wherein the parish church of the parish is situate, nominated by the person or persons making the application, or by the majority of such persons.

Who are to be commissioners.

In cases in which no application for a licence has been made as aforesaid, one incumbent of the diocese, and one magistrate, being in the commission of the peace for the county wherein the parish church of the parish is situate, shall be nominated as commissioners by the person who has presided as chairman of the last preceding quarter sessions for the county or division of the county wherein the parish church of the parish is situate, or if there be no such person, then by the lord lieutenant of such county.

Notice of the intention to issue such commission shall be delivered or sent by the bishop to the incumbent, to the person or persons making the application, and to the chairman of quarter sessions or lord lieutenant of the county, as the case may be, and such commission shall not issue until the expiration of *one month* from the delivery or sending of such notices.

If the incumbent or the person or persons making the application or such chairman or lord lieutenant respectively shall omit to nominate a commissioner within the period of *one month* from the delivery or sending of such notices, the bishop may nominate a commissioner instead of such incumbent or person or persons or chairman or lord lieutenant respectively.

7. When and so soon as such commission shall be issued, notice of such commission shall be delivered or sent by the bishop to each commissioner, and to the incumbent of the parish, and to the person or persons making the application (if any).

Proceedings of Commissioners.

Service by prepaid letter shall be sufficient service of all notices and documents.

A.D. 1877. The commissioners shall give *seven days* notice of their first meeting, affixed to the usual place of public notices in the parish church.

*Three* of the commissioners shall constitute a quorum; and the commissioners at a meeting duly constituted, and at any duly constituted meeting adjourned therefrom, may examine upon oath, if they see fit, any person desirous or wishing to be examined by them touching any matter relating to the object of the said commission, and may administer the oaths necessary for that purpose; and the commissioners shall, in their report, certify all such matters and things as shall appear to them material, together with their opinion as to the expediency or otherwise of the proposed grant of a licence.

Any evidence given before the commission, and every statement made by them in their report, shall be deemed to be in the nature of a communication privileged in law. The costs incurred by or on behalf such commissioners shall be defrayed by the bishop, or by the person or persons making the application, as the case may be, but such costs shall not exceed the sum of *twenty pounds*.

Conditions  
of licence.

8. Every licence granted by the bishop under section three of this Act shall be given under his hand and episcopal seal, and shall specify the offices and services which may be performed under such licence, and the chapel, schoolroom, or building, whether consecrated or unconsecrated, in which such offices and services may be performed. The bishop shall not include in any such licence the solemnization of marriage, or the permission to officiate in any church or other place of public worship in which the incumbent is required by law to perform or to provide for the performance of divine service.

It shall not be lawful for the incumbent to officiate in any building specified in a licence granted under this section, except with the consent of the clergyman licensed to officiate therein.

Every licence granted by the bishop under section four of this Act shall be given under his hand and episcopal seal, and shall specify the building or buildings in which any offices and services may be performed, and duties which may be performed under such licence by the clergyman named therein, and such duties may comprise the whole or any part of the duties appertaining to the cure of souls within the parish, so far as the discharge of such duties has been habitually neglected by the incumbent as aforesaid.

Avoidance of  
licence on  
new incumbency,

9. Every licence granted under this Act shall determine upon the expiration of *three months* after the institution, collation, or admission of any successor of the incumbent in whose incumbency such

licence was first granted, unless such successor shall, before the expiration of such *three months*, signify in writing to the bishop his consent to the continuance of such licence. On the determination of any licence a fresh licence may be granted in the manner  
 5 herein-before provided in the case of the grant of an original license. The provisions of this section shall not apply to cases in which a conventional district has been assigned to the clergyman named in any licence granted under section three of this Act, if the consent in writing of the patron as defined in the Incumbents  
 10 Resignation Act, 1871, shall have been first given to the assignment of such conventional district.

A.D. 1877.

except where the consent of the patron has been obtained to assignment of conventional district.

10. The bishop may, if he shall think fit, by a writing under his hand and episcopal seal, revoke at any time any licence granted by him or any of his predecessors under this Act.

Revocation of licence.

15 11. It shall be lawful for the incumbent of any parish, after the grant of any licence under sections three and four of this Act, or either of such sections, to appeal to the archbishop of the province against the grant of such licence.

Appeals.

It shall be lawful for any clergyman whose licence may have  
 20 been revoked under this Act to appeal to the archbishop of the province against such revocation.

In all appeals under this section notice of such appeal shall be given within *one month* after the date of the act complained of, and the archbishop shall make such order in the matter as, after  
 25 consideration of the whole circumstances of the case, shall appear to him just and proper; and the provisions of the Act of the first and second year of the reign of Her Majesty, chapter one hundred and six, section one hundred and eleven, shall, *mutatis mutandis*, be deemed to be applicable to appeals under this Act as if the said  
 30 section were here repeated and made applicable to the provisions of this Act.

1 & 2 Vict. c. 106. s. 111.

12. The alms collected in or after any service performed under a licence granted under section three of this Act shall be disposed of as the clergyman named in such licence shall determine, subject  
 35 to the direction of the bishop.

Disposal of alms.

13. All licences granted to a clergyman under this Act to officiate under this Act shall be registered in the registry of the diocese; and the fees, if any, of the registrar of the diocese, in relation to such licences, and to all matters appertaining thereto,  
 40 shall not exceed the sum of *two guineas* in each case.

Fees payable under this Act.

[47.]

A 4

- A.D. 1877. **14.** Every person other than an archdeacon or churchwarden, before making an application under this Act, and every magistrate, before serving on a commission under this Act, shall sign and transmit to the bishop the following declaration: ‘I, *A.B.*, do hereby solemnly declare, that I am a member of the Church of England as by law established.  
 ‘ Given under my hand this                      day of                      .’
- Declaration by applicants, &c.
- 15.** In this Act—  
 The expression “bishop” shall include an archbishop in his own diocese: 10  
 “Parish:” The term “parish” shall include a new parish and an ecclesiastical district:  
 “Parish ioner.” The term “parishioner” shall mean a male person of full age who has, and for one year next before making an application under this Act has had, his usual place of abode in the parish 15 to which such application relates.
- Interpretation of terms.  
 “Bishop:”  
 “Parish:”  
 “Parish ioner.”

## Divine Worship Facilities.

A

## B I L L

To provide further Facilities for the  
Performance of Divine Worship  
according to the Rites of the Church  
of England.

(Prepared and brought in by  
*Mr. Wilbraham Egerton, Mr. Birley,  
Mr. Whitwell, and Mr. Rodwell.*)

*Ordered, by The House of Commons, to be Printed.  
9 February 1877.*

[Bill 47.]

*Under 1 oz.*

A  
B I L L

TO

Confirm three Provisional Orders under “ The Drainage and Improvement of Lands (Ireland) Act, 1863,” and the Acts amending the same. A.D. 1877.

**W**HEREAS the Commissioners of Public Works in Ireland have, in pursuance of “ The Drainage and Improvement of Lands Act (Ireland), 1863,” and the Acts amending the same, duly made the Provisional Orders contained in the first, second, and third parts of the schedule to this Act annexed, and it is by the first-mentioned Act provided that no such Orders shall be of any validity whatever until confirmed by Parliament, and it is expedient that said Orders should be so confirmed : 26 & 27 Vict.  
c. 88.  
Section 6,  
part 7.

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The Provisional Orders contained in the first, second, and third parts of the schedule hereto annexed are hereby confirmed, and from and after the passing of this Act shall be deemed to be a public general Act of Parliament, of the like force and effect as if the provisions of the same had been enacted in the body of this Act. Provisional  
Orders in  
schedule  
confirmed.

2. This Act may be cited for all purposes as “ The Drainage and Improvement of Lands Supplemental Act (Ireland), 1877.” Short title.



A.D. 1877.

SCHEDULE.

FIRST PART.

THE DRAINAGE AND IMPROVEMENT OF LANDS ACT (IRELAND),  
1863.

26 & 27 Vict. cap. 88 ; 27 & 28 Vict. cap. 72 ; 28 & 29 Vict. cap. 52 ; and  
32 & 33 Vict. cap. 72.

5

In the Matter of the BALLYADAMS DRAINAGE DISTRICT, in the Queen's County.

WHEREAS certain proprietors of and persons interested in the lands upon and adjacent to the Rosbran stream and its tributaries, on or about the twenty sixth day of February one thousand eight hundred and seventy-six, presented 10  
their petition to the Commissioners of Public Works in Ireland, under the provisions of "The Drainage and Improvement of Lands Act (Ireland), 1863," (herein-after called the Act of 1863,) and the Acts amending the same, accompanied by the proper schedules, maps, plans, sections, and estimates, together with other particulars and information required by the said Act, showing, by 15  
reference to the said maps, the boundaries and area of the proposed Drainage District, and stating the exigencies rendering the formation of such Drainage District necessary, and praying that said lands within the proposed district should be constituted a separate Drainage District under the provisions of the said Acts : And whereas the said Commissioners referred the same to William 20  
Forsyth, Esquire, civil engineer, an inspector duly appointed under the said Acts : And whereas all notices and inquiries required by the said Act have been duly given and made, and the said inspector has duly reported to us, the said Commissioners, in writing, the result of his inquiries, and we, the said Commissioners, have duly considered the same :

25

And whereas two objections to the said report has been made to us, which have been duly considered

And whereas all preliminaries required by the said Act of 1863 to precede the making of this Provisional Order have been performed and complied with : And whereas we, the said Commissioners, upon consideration of the premises, 30  
are satisfied of the propriety of constituting the proposed separate Drainage District, and that the proprietors of two third parts in value of the lands in the proposed district are in favour thereof, and have subsequently to the date of the report of the said inspector assented thereto in writing :

Now, therefore, in pursuance of the power given to us by the said Acts, we, 35  
the Commissioners of Public Works in Ireland, do, by this Provisional Order under our common seal, constitute the area in the said petition and report, and the boundaries and extent of which are set forth within yellow lines on the map to which we have caused our common seal to be attached (and which

map is deposited in the Office of Public Works in Ireland), a separate Drainage District by the name of "The Ballyadams Drainage District." A.D. 1877.

And we do declare that the lands to be purchased for the proposed works in said district (subject to such alterations and deviations therefrom as we, the  
5 said Commissioners, may hereafter sanction) are the lands in that behalf shown and set forth in the said map and the schedule thereto annexed, marked with the letter B, and also sealed with our common seal.

And we, the said Commissioners of Public Works, do, by this our Order, order and direct that the time for the completion of the necessary works in  
10 the said district shall be limited to the thirtieth day of September which will be in the year one thousand eight hundred and seventy-nine.

And we do further, by this our Provisional Order, make the following regulations with respect to the Drainage Board:

That the drainage Board for said district shall consist of five members:

15 That the following persons shall be the members of the first Drainage Board; viz.,

Thomas Kemmis, of Shaen, in the Queen's County, Esquire;

Gerald Villers Butler, of Ballyadams, in the Queen's County, Esquire,  
agent of Mrs. Juliana Booth;

20 Samuel Connolly, of Athy, in the county of Kildare, Esquire, agent of the Reverend Benjamin H. Johnson, Clerk;

Walter Hurley, of Old Connell, in the county of Kildare, Esquire; and

George Taylor, of No. 14, Anglesea Street, in the city of Dublin,

25 Esquire:

That the first meeting of said Board shall be summoned by notice under the hands of any two or more of the said Board, published in the Dublin Gazette and some newspaper generally circulated in the said district, at least fourteen days next before the day of meeting:

30 That the qualification of any subsequent member of the said Board shall be that he shall be the proprietor (as defined by the said Act of 1863, and the Acts referred to therein or incorporated therewith,) of not less than twenty acres of land situate within the area of the said district, or the land agent for the time being of a person being a proprietor as aforesaid of not less than  
35 one hundred acres of land situate within the area of said district, and acting as receiver of the rents and profits of such lands:

That the members of the first Board shall vacate their offices on the first Thursday in September in the year following the date of this Provisional Order:

40 That the electors for members of the Drainage Board shall be the persons in that behalf mentioned in the said Act of 1863: Provided always, that no such elector shall be entitled to vote or exercise any privilege as such unless the lands of which he is the proprietor, or some portion thereof, shall be rateable on account of the works in the district, and he shall have previously paid all

4      *Drainage and Improvement of Lands (Ireland)* [40 VICT.]  
   *Provisional Orders.*

A.D. 1877. rates or arrears of rates which may be payable by him in respect of any  
— drainage rate for the aforesaid district.

In witness whereof we, the said Commissioners of Public Works in  
Ireland, have hereunto caused our common seal to be affixed, this  
thirty-first day of July one thousand eight hundred and seventy-six. 5

Office of Public Works, Dublin.

E. HORNSBY,  
(Seal) Secretary.

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SECOND PART.

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THE DRAINAGE AND IMPROVEMENT OF LANDS ACT (IRELAND),  
1863. 10

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26 & 27 Vict. cap. 88 ; 27 & 28 Vict. cap. 72 ; 28 & 29 Vict. cap. 52 ; and  
32 and 33 Vict. cap. 72.

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In the Matter of the SWANLINBAR or BLACKWATER RIVER DRAINAGE DISTRICT,  
in the county of Cavan.

WHEREAS certain proprietors of and persons interested in the lands upon 15  
and adjacent to the river Blackwater, on or about the thirty-first day of  
January one thousand eight hundred and seventy-six, presented their petition  
to the Commissioners of Public Works in Ireland, under the provisions of "The  
Drainage and Improvement of Lands Act (Ireland), 1863," (herein-after called  
the Act of 1863,) and the Acts amending the same, accompanied by the proper 20  
schedules, maps, plans, sections, and estimates, together with other particulars  
and information required by the said Act, showing, by reference to the said  
maps, the boundaries and area of the proposed Drainage District, and stating  
the exigencies rendering the formation of such Drainage District necessary,  
and praying that said lands within the proposed district should be con- 25  
stituted a separate Drainage District under the provisions of the said Acts:  
And whereas the said Commissioners referred the same to William Forsyth,  
Esquire, civil engineer, an inspector duly appointed under the said Acts: And  
whereas all notices and inquiries required by the said Act have been duly  
given and made, and the said inspector has duly reported to us, the said 30  
Commissioners, in writing, the result of his inquiries, and we, the said Com-  
missioners, have duly considered the same:

And whereas no objection to the said report has been made to us:

And whereas all preliminaries required by the said Act of 1863 to precede  
the making of this Provisional Order have been performed and complied with: 35  
And whereas we, the said Commissioners, upon consideration of the premises  
are satisfied of the propriety of constituting the proposed separate Drainage  
District, and that the proprietors of two third parts in value of the lands in  
the proposed district are in favour thereof, and have subsequently to the date  
of the report of the said inspector assented thereto in writing: 40

Now, therefore, in pursuance of the power given to us by the said Acts, we, A.D. 1877.  
the Commissioners of Public Works in Ireland, do, by this Provisional Order  
under our common seal, constitute the area in the said petition and report, and  
the boundaries and extent of which are set forth within yellow lines on the  
5 map to which we have caused our common seal to be attached (and which map  
is deposited in the Office of Public Works in Ireland), a separate Drainage  
District by the name of "The Swanlinbar or Blackwater River Drainage  
District."

And we do declare that the lands to be purchased for the proposed works in  
10 said district (subject to such alterations and deviations therefrom as we, the  
said Commissioners, may hereafter sanction) are the lands in that behalf shown  
and set forth in the said map and the schedule thereto annexed, marked with  
the letter B, and also sealed with our common seal.

And we, the said Commissioners of Public Works, do, by this our Order,  
15 order and direct that the time for the completion of the necessary works in  
the said district shall be limited to the thirtieth day of June which will be in  
the year one thousand eight hundred and eighty.

And we do further, by this our Provisional Order, make the following  
regulations with respect to the Drainage Board :

20 That the Drainage Board for said district shall consist of five members :

That the following persons shall be the members of the first Drainage  
Board ; viz.,

George De la Poer Beresford, of the Palace, Armagh, in the county of  
Armagh, Esquire, M.P. ;

25 Albert Hutton, of Drummully House, Killeshandra, in the county of  
Cavan, Esquire ;

William Johnston, of Bawnboy House, Bawnboy, in the county of Cavan,  
Esquire ;

Moses Netterfield, of Ballyconnell, in the county of Cavan, Esquire ; and  
30 James Bracken, of Toam House, Blacklion, in the county of Cavan,  
Esquire :

That the first meeting of said Board shall be summoned by notice under  
the hands of any two or more of the said Board, published in the Dublin  
Gazette and some newspaper generally circulated in the said district, at least  
35 fourteen days next before the day of meeting :

That the qualification of any subsequent member of the said Board shall be  
that he shall be the proprietor (as defined by the said Act of 1863, and the  
Acts referred to therein or incorporated therewith,) of not less than twenty  
acres of land situate within the area of the said district, or the land agent for  
40 the time being of a person being a proprietor as aforesaid of not less than one  
hundred acres of land situate within the area of said district, and acting as  
receiver of the rents and profits of such lands :

That the members of the first Board shall vacate their offices on the first  
Thursday in September in the year following the date of this Provisional  
45 Order :

That the electors for members of the Drainage Board shall be the persons  
in that behalf mentioned in the said Act of 1863 : Provided always, that no

6      *Drainage and Improvement of Lands (Ireland)* [40 VICT.]  
*Provisional Orders.*

A.D. 1877.      such elector shall be entitled to vote or exercise any privilege as such unless  
the lands of which he is the proprietor, or some portion thereof, shall be rate-  
able on account of the works in the district, and he shall have previously paid  
all rates or arrears of rates which may be payable by him in respect of any  
drainage rate for the aforesaid district. 5

In witness whereof we, the said Commissioners of Public Works in  
Ireland, have hereunto caused our common seal to be affixed, this  
twelfth day of December one thousand eight hundred and seventy-six.  
Office of Public Works, Dublin.      E. HORNSBY,  
(Seal)      Secretary. 10

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THIRD PART.

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THE DRAINAGE AND IMPROVEMENT OF LANDS ACT (IRELAND),  
1863.

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26 & 27 Vict. cap. 88 ; 27 & 28 Vict. cap. 72 ; 28 & 29 Vict. cap. 52 ; and  
32 & 33 Vict. cap. 72. 15

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In the Matter of the LARACOR DRAINAGE DISTRICT, in the county of Meath.

WHEREAS certain proprietors of and persons interested in the lands upon and  
adjacent to the Knightsbrook river and tributaries, on or about the eighteenth  
day of August one thousand eight hundred and seventy-six, presented their  
petition to the Commissioners of Public Works in Ireland, under the provisions 20  
of "The Drainage and Improvement of Lands Act (Ireland), 1863," (herein-  
after called the Act of 1863,) and the Acts amending the same, accompanied  
by the proper schedules, maps, plans, sections, and estimates, together with other  
particulars and information required by the said Act, showing, by reference to  
the said maps, the boundaries and area of the proposed Drainage District, and 25  
stating the exigencies rendering the formation of such Drainage District  
necessary, and praying that said lands within the proposed district should be  
constituted a separate Drainage District under the provisions of the said Acts :  
And whereas the said Commissioners referred the same to William Forsyth,  
Esquire, civil engineer, an inspector duly appointed under the said Acts : And 30  
whereas all notices and inquiries required by the said Act have been duly  
given and made, and the said inspector has duly reported to us, the said Com-  
missioners, in writing, the result of his inquiries, and we, the said Commis-  
sioners, have duly considered the same :

And whereas one objection to the said report has been made to us, which  
has been duly considered : 35

And whereas all preliminaries required by the said Act of 1863 to precede  
the making of this Provisional Order have been performed and complied with :  
And whereas we, the said Commissioners, upon consideration of the premises,  
are satisfied of the propriety of constituting the proposed separate Drainage 40

District, and that the proprietors of two third parts in value of the lands in the proposed district are in favour thereof, and have subsequently to the date of the report of the said inspector assented thereto in writing : A.D. 1877.

Now, therefore, in pursuance of the power given to us by the said Acts, we,  
5 the Commissioners of Public Works in Ireland, do, by this Provisional Order under our common seal, constitute the area in the said petition and report, and the boundaries and extent of which are set forth within yellow lines on the map to which we have caused our common seal to be attached (and which map is deposited in the Office of Public Works in Ireland), a separate Drainage  
10 District by the name of "The Laracor Drainage District."

And we do declare that the lands to be purchased for the proposed works in said district (subject to such alterations and deviations therefrom as we, the said Commissioners, may hereafter sanction) are the lands in that behalf shown and set forth in the said map and the schedule thereto annexed, marked with  
15 the letter B, and also sealed with our common seal.

And we, the said Commissioners of Public Works, do, by this our Order, order and direct that the time for the completion of the necessary works in the said district shall be limited to the first day of September which will be in the year one thousand eight hundred and eighty.

20 And we do further, by this our Provisional Order, make the following regulations with respect to the Drainage Board :

That the Drainage Board for the said district shall consist of nine members :

That the following persons shall be the members of the first Drainage Board ; viz.,

25 Robert Fowler, of Rahinston ;  
O'Connell Loughnan Murphy, of Breemount House ;  
Lattin Thunder, of Kingston Lodge, Navan ;  
John Wilkinson, of Curtistown ;  
Walter J. Goodman, of Freffans ;  
30 John Yourell, of Phillistown ;  
Hugh G. Hanbury, of Somerstown, Laracor ;  
Alexander Shirley Montgomery, of Kilmor House, all in the county of Meath ; and

Patrick Sweetman, of Longtown, in the county of Kildare, Esquires :

35 That the first meeting of said Board shall be summoned by notice under the hands of any two or more of the said Board, published in the Dublin Gazette and some newspaper generally circulated in the said district, at least fourteen days next before the day of meeting :

That the qualification of any subsequent member of the said Board shall be  
40 that he shall be the proprietor (as defined by the said Act of 1863, and the Acts referred to therein or incorporated therewith,) of not less than twenty acres of land situate within the area of the said district, or the land agent for the time being of a person being a proprietor as aforesaid of not less than one hundred acres of land situate within the area of said district, and acting as  
45 receiver of the rents and profits of such lands :

That the members of the first Board shall vacate their offices on the first

8      *Drainage and Improvement of Lands (Ireland)* [40 VICT.]  
*Provisional Orders.*

A.D. 1877. Thursday in September in the year following the date of this Provisional Order:

That the electors for members of the Drainage Board shall be the persons in that behalf mentioned in the said Act of 1863: Provided always, that no such elector shall be entitled to vote or exercise any privilege as such unless 5 the lands of which he is the proprietor, or some portion thereof, shall be rateable on account of the works in the district, and he shall have previously paid all rates or arrears of rates which may be payable by him in respect of any drainage rate for the aforesaid district:

In witness whereof we, the said Commissioners of Public Works in Ireland, 10 have hereunto caused our common seal to be affixed, this fifth day of February one thousand eight hundred and seventy-seven.

Office of Public Works, Dublin.

E. HORNSBY,  
(Seal.)      Secretary.

**Drainage and Improve-  
ment of Lands (Ireland)  
Provisional Orders.**

A

**B I L L**

To confirm three Provisional Orders under the Drainage and Improvement of Lands (Ireland) Act, 1863, and the Acts amending the same.

(Prepared and brought in by  
*Mr. W. H. Smith and Sir M. Hicks-Beach.*)

*Ordered, by The House of Commons, to be Printed,  
7 March 1877.*

[Bill 108.]

*Under 1 oz.*

# **East India Loan Bill.**

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## **ARRANGEMENT OF CLAUSES.**

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### **Clauses.**

1. Power to the Secretary of State in Council of India to raise any sum not exceeding 5,000,000*l*.
2. Bonds may be issued under the hands of two members of the Council, and countersigned by Secretary of State.
3. Debentures may be issued.
4. As to payment of principal and interest on debentures.
5. Debentures transferable by delivery. Coupons by delivery.
6. Bills may be issued.
7. Description, currency of, and interest on bills.
8. Capital stock and annuities may be created and issued.
9. Transfer books of such capital stock and annuities to be kept.
10. Annuities deemed personal estate.
11. The whole amount charged on revenues of India not to exceed 5,000,000*l*.
12. Power to raise money for payment of principal money.
13. Securities, &c. to be charged on revenues of India.
14. Provisions as to composition for stamp duties on India bonds extended to bonds and debentures under this Act.
15. Forgery of debentures and bills to be punishable as forgery of East India bonds.
16. Returns to be prepared half-yearly of moneys raised on loan, and presented to Parliament.
17. Saving powers of the Secretary of State in Council.
18. Stock created hereunder to be deemed East India stock.
19. Sect. 3., &c. of 33 & 34 Vict. c. 93. extended to capital stock created under this Act.





A  
B I L L

TO

Enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India. A.D. 1877.

**W**HEREAS the exigencies of the public service in India require that the Secretary of State in Council of India should be enabled to raise money in the United Kingdom on the credit of the revenues of India :

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. It shall be lawful for the Secretary of State in Council of  
10 India, at any time or times after the passing of this Act, to raise in the United Kingdom, for the service of the Government of India, any sum or sums of money not exceeding in the whole *five millions of pounds sterling*, of which *two millions five hundred thousand pounds sterling* may be raised by the creation and issue of capital  
15 stock bearing interest, or annuities, bonds, debentures, or bills, or partly by one of such modes and partly by another or others, and the whole or any portion of the remaining *two millions five hundred thousand pounds sterling* may be raised by the creation and issue of bonds, debentures, or bills, but not by the creation and issue of  
20 capital stock bearing interest, or of annuities.

2. All bonds issued under the authority of this Act may be issued under the hands of *two* members of the Council of India, and countersigned by the Secretary of State for India, or one of his under secretaries, or his assistant under secretary, and shall be for  
25 such respective amounts, payable after such notice, and at such rate or rates of interest as the said Secretary of State in Council may think fit.

3. All debentures issued under the authority of this Act may be issued under the hands of two members of the Council, and counter-

[Bill 215.]

A 2

Power to the Secretary of State in Council of India to raise any sum not exceeding 5,000,000*l*.

Bonds may be issued under the hands of two members of the Council, and countersigned by Secretary of State.

Debentures may be issued.

A.D. 1877. — signed as aforesaid, for such respective amounts, and at such rate or rates of interest, as the Secretary of State in Council may think fit, and shall be issued at or for such prices and on such terms as may be determined by the Secretary of State in Council.

As to payment of principal and interest on debentures.

4. All debentures issued under the authority of this Act shall be paid off at par at a time or times to be mentioned in such debentures respectively; and the interest on all such debentures shall be paid half-yearly on such days as shall be mentioned therein; and the principal moneys and interest secured by such debentures shall be payable either at the treasury of the Secretary of State in Council in London or at the Bank of England.

Debentures transferable by delivery.

Coupons by delivery.

5. All or any number of the debentures issued under the authority of this Act, and all right to and in respect of the principal and interest moneys secured thereby, shall be transferable by the delivery of such debentures; and the coupons for interest annexed to any debenture issued under the authority of this Act shall also pass by delivery.

Bills may be issued.

6. All bills issued under the authority of this Act may be issued under the hands of *two* members of the Council, and countersigned as aforesaid, for such respective amounts as the Secretary of State in Council may think fit, and shall be issued at or for such prices and on such terms as may be determined by the Secretary of State in Council.

Description, currency of, and interest on bills.

7. A bill issued under the authority of this Act shall be a bill for the payment of the principal sum named therein at the date therein mentioned, so that the date be not more than *twelve months* from the date of the bill; and the principal sum secured by such bill shall be payable either at the treasury of the Secretary of State in Council in London or at the Bank of England. Interest shall be payable in respect of such bill at such rate and in such manner as the Secretary of State in Council may determine.

Capital stock and annuities may be created and issued.

8. Any capital stock created under the authority of this Act shall bear such a rate of interest, and any annuities to be created under the authority of this Act shall be at such rate per centum per annum, as the Secretary of State in Council may think fit; and such capital stock and such annuities may be issued on such terms as may be determined by the Secretary of State in Council; and any such capital stock may bear interest during such period, and be paid off at par at such time, as the Secretary of State in Council may prescribe previously to the issue of such capital stock; and such annuities may be terminable at such period as the Secretary of

State in Council may prescribe previously to the issue of such annuities. A.D. 1877.

9. In case of the creation and issue of any such capital stock or of any such annuities, there shall be kept, either at the office of the Secretary of State in Council in London or at the Bank of England, books wherein entries shall be made of the said capital stock and annuities respectively, and wherein all assignments or transfers of the same respectively, or any part thereof respectively, shall be entered and registered, and shall be signed by the parties making such assignments or transfers, or, if such parties be absent, by his, her, or their attorney or attorneys thereunto lawfully authorised by writing under his, her, or their hands and seals, to be attested by two or more credible witnesses; and the person or persons to whom such transfer or transfers shall be made may respectively underwrite his, her, or their acceptance thereof; and no other mode of assigning or transferring the said capital stock or the said annuities, or any part thereof respectively, or any interest therein respectively, shall be good and available in law, and no stamp duties whatsoever shall be charged on the said transfers or any of them.

Transfer books of such capital stock and annuities to be kept.

10. All annuities created and issued under the authority of this Act shall be deemed and taken to be personal and not real estate, and shall go to the executors or administrators of the person or persons dying possessed thereof, interested therein, or entitled thereto, and not to the heir-at-law, nor be liable to any foreign attachment by the custom of London, or otherwise.

Annuities deemed personal estate.

11. The whole amount of the principal moneys to be charged on the revenues of India under this Act shall not exceed *five millions*.

The whole amount charged not to exceed 5,000,000.

12. Upon or for the repayment of any principal money secured under the authority of this Act, the Secretary of State in Council may at any time borrow or raise, by all or any of the modes aforesaid, all or any part of the amount of principal money repaid or to be repaid, and so from time to time as all or any part of any principal money under this Act may require to be repaid, but the amount to be charged upon the revenues of India shall not in any case exceed the principal money required to be repaid, and the total amount raised under this section by the creation and issue of capital stock bearing interest or of annuities shall not at any one time exceed *two millions five hundred thousand pounds sterling*.

Power to raise money for payment of principal money.

13. All bonds, debentures, and bills to be issued under this Act, and the principal moneys and interest thereby secured, and all

Securities, &c. to be charged on revenues of India.

[215.]

A 3

A.D. 1877. capital stock to be issued under this Act, and the interest thereon, and all annuities to be issued under this Act, shall be charged on and payable out of the revenues of India, in like manner as other liabilities incurred on account of the government of the said territories.

5

Provisions as to composition for stamp duties on India bonds extended to bonds and debentures under this Act.

14. The provisions contained in section four of the Act of the session holden in the fifth and sixth years of King William the Fourth, chapter sixty-four, with respect to the composition and agreement for the payment by the East India Company of an annual sum in lieu of stamp duties on their bonds, and the exemption of their bonds from stamp duties, shall be applicable with respect to the bonds and debentures to be issued under the authority of this Act, as if such provisions were here repeated and re-enacted with reference thereto.

Forgery of debentures and bills to be punishable as forgery of East India bonds.

15. All provisions now in force in anywise relating to the offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any East India bond, with intent to defraud, shall extend and be applicable to and in respect of any debenture or bill issued under the authority of this Act, as well as to and in respect of any bond issued under the same authority.

Returns to be prepared half-yearly of moneys raised on loan, and presented to Parliament.

16. Provided always, that, at the end of each of the half-years ending on the thirty-first day of March and the thirtieth day of September in every year, the Secretary of State in Council shall prepare or cause to be prepared a return of all loans raised in England under the provisions of this Act or of any other Acts, chargeable on the revenues of India, outstanding at the commencement of each half-year, with the rates of interest payable thereon, and the date of the termination of each loan, the debt incurred during the half-year, the moneys raised thereby during the half-year, the loans paid off or discharged during the half-year, and the loans outstanding at the close of the half-year, stating, so far as the public convenience will allow, the purpose or service for which moneys have been raised during the half-year; that such returns shall be presented to both Houses of Parliament within *fifteen days* after the expiration of the said half-yearly periods, if Parliament be then sitting, or if not sitting, then within *one week* after Parliament shall be next assembled.

Saving powers of the Secretary of State in Council.

17. This Act shall not prejudice or affect any power of raising or borrowing money vested in the said Secretary of State in Council at the time of passing thereof.

40

18. Any capital stock created under this Act shall be deemed to be East India stock, within the Act twenty-second and twenty-third Victoria, chapter thirty-five, section thirty two, unless and until Parliament shall otherwise provide; and any capital stock  
 5 created under this Act shall be deemed to be and shall mean India stock within the Act of the twenty-sixth and twenty-seventh Victoria, chapter seventy-three, anything in the said last-mentioned Act to the contrary notwithstanding.

A.D. 1877.

—  
 Stock  
 created  
 hereunder to  
 be deemed  
 East India  
 stock.

19. The provisions contained in the third section of the Act of  
 10 the thirty-third and thirty-fourth Victoria, chapter ninety-three,  
 and all other enactments in the said Act relating to or affecting  
 such provisions, shall be extended and be applicable to any capital  
 stock created under this Act.

Sect. 3. &c.  
 of 33 &  
 34 Vict. c. 93.  
 extended to  
 capital stock  
 created  
 under this  
 Act.

# East India Loan.

A

## BILL

To enable the Secretary of State in Council of India to raise money in the United Kingdom for the service of the Government of India.

*(Prepared and brought in by  
Mr. Raikes, Lord George Hamilton, and  
The Chancellor of the Exchequer.)*

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*Ordered, by The House of Commons, to be Printed,  
22 June 1877.*

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[Bill 215.]  
*Under 1 oz.*

# Ecclesiastical Offices and Fees Bill.

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## ARRANGEMENT OF CLAUSES.

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### PART I.

#### *Preliminary.*

Clause.

1. Short title.
  2. Commencement of Act.
  3. Extent of Act.
- 

### PART II.

#### *Transfer of Property and Consolidation of certain Ecclesiastical Offices.*

4. Transfer of property.
  5. Consolidation of certain offices.
  6. Transfer of jurisdiction.
  7. Saving of rights of archdeacons.
- 

### PART III.

#### *Judges and other Officers of the Ecclesiastical Courts.*

8. Vicar-general of the province of Canterbury.
9. Vicar-general of the province of York.
10. Registrar of the province of Canterbury.
11. Registrar of the province of York.
12. Chancellor of the diocese.
13. Registrar of the diocese.
14. Bishop's secretary.
15. Registrarship, &c. may be held by more than one person.
16. Continuance of registrar during vacancy of see.
17. Apparitors.
18. Rights and duties of officers.
19. Appointment of deputies.
20. Conditions of appointment of deputies.
21. Declaration of office.
22. Judge's clerk.

[Bill 12.]

a



Clause.

23. Surrogates.

24. Appointments contrary to Act void.

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PART IV.

*Payment of Fees.*

25. Payment of fees.

26. Ecclesiastical Commissioners to give directions for carrying rules, &c. into effect, &c.

27. Allowance for spoiled stamps.

28. No document to be received or used unless stamped.

29. Penalty for forging stamps.

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*Ecclesiastical Fees Fund.*

30. Ecclesiastical Fees Fund.

31. Payments out of fund.

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*Remuneration of the Judges and other Officers of the Ecclesiastical Courts.*

34. Salaries of provincial and diocesan officers, &c.

35. Date of payment of salaries.

36. Remuneration of deputies.

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39. Payments to archdeacons out of Ecclesiastical Fees Fund.

40. Payment to archdeacons by Ecclesiastical Commissioners.  
Amendment of 3 & 4 Vict. c. 113. s. 34.

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*Miscellaneous Provisions.*

41. Rules and orders.

42. Provisions as to fees for institutions, &c.

Clause.

- 43. Council of vicars-general, &c.
- 44. Churchwardens.
- 45. Deputies of archdeacons.

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PART VIII.

*Temporary Provisions.*

*Offices.*

- 46. Existing officers to perform duties of offices.
- 47. Provisions pending vacancy in certain offices.
- 48. When office of registrar is to be deemed vacant.
- 49. Certain persons may be appointed registrars, &c.
- 50. Transfer of records.
- 51. Provisions as to registry buildings.

*Remuneration of Officers.*

- 52. Payment to the existing provincial judge.
- 53. Payments for expenses of courts.
- 54. Salaries of existing holders of certain offices.
- 55. Compensation to persons appointed before 13th August 1836.
- 56. Compensation to officers whose property is transferred.
- 57. Additional payments to certain officers.
- 58. Provisions as to certain payments.
- 59. Advances by the Ecclesiastical Commissioners.
- 60. Payments to certain temporary officers.
- 61. Pensions under Probate Act.

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PART IX.

*Repeal of Acts.*

- 62. Repeal of Acts.

SCHEDULES.

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A  
B I L L

TO

Reform certain Ecclesiastical Offices, and to regulate Ecclesi-  
astical Fees. A.D. 1877.

**W**HEREAS by an Act of the sixth and seventh year of King William the Fourth, chapter seventy-seven, it was recited that it might be expedient to consider the state and jurisdiction of all the ecclesiastical courts in England and Wales; and it was provided  
5 that in case the office of judge, registrar, or other officer of any or either of the ecclesiastical courts in England or Wales, except the Prerogative Court of Canterbury, should become vacant during one year after the passing of such Act, or if Parliament should be then sitting, till the end of the session of Parliament, the person there-  
10 unto appointed should accept and take such office, subject to all regulations and alterations affecting the same which might there- after be made and provided by or under the authority of Parliament; and it was further provided that no person by his appointment to any such office should acquire any vested interest in such office, or any  
15 claim or title to compensation in respect thereof in case the same should be thereafter abolished by Parliament:

6 & 7 W. 4.  
c. 77. ss. 20,  
25.

And whereas the above-recited provisions were by subsequent Acts continued in force until the thirty-first day of December one thousand eight hundred and forty-seven:

20 And whereas by an Act of the seventh and eighth year of the reign of Her Majesty, chapter sixty-eight, it is provided that the registrar of every court exercising ecclesiastical jurisdiction, and the registrar of every vicar-general or diocese, shall, on or before the twentieth day of January in every year, transmit to one of Her  
25 Majesty's Principal Secretaries of State a true account in writing of the gross and net amounts of all such fees, allowances, gratuities, perquisites, and emoluments respectively as shall have been received or become due in the year ending the fifth day of January in such year, on account of the judge of such court or vicar-general or on

7 & 8 Vict.  
c. 68. s. 2.

[Bill 12.]

A

A.D. 1877. account of such registrar or (except of surrogates) of any other officer, clerk, or minister of such court, or registry by virtue of his office or employment :

10 & 11 Vict.  
c. 98. s. 9. And whereas by an Act of the tenth and eleventh year of the reign of Her Majesty, chapter ninety-eight, it is provided that every person appointed after the passing of the above-recited Act of the sixth and seventh year of King William the Fourth, chapter seventy-seven, except as is in the said above recited Act of the sixth and seventh year of King William the Fourth excepted, or who should be appointed after the passing of the said Act of the tenth and eleventh year of the reign of Her Majesty, to the office of judge, registrar, or other officer of any ecclesiastical court in England, shall hold the same subject to all regulations and alterations affecting the same which might thereafter be made by authority of Parliament, and it is further provided that no person by his appointment to any such office shall acquire any claim or title to compensation in case the same should be thereafter altered or abolished by Act of Parliament :

20 & 21 Vict.  
c. 77. ss. 3,  
103. And whereas the Prerogative Court of Canterbury and the offices attached thereto were abolished by "The Court of Probate Act, 1857," and the holders of such offices were compensated in the manner provided in the said Act :

38 & 39 Vict.  
c. 76. ss. 2,  
3, 4. And whereas the above-recited provisions of the said Act of the seventh and eighth year of the reign of Her Majesty, chapter sixty-eight, and of the said Act of the tenth and eleventh year of the reign of Her Majesty, chapter ninety-eight, were extended by "The Ecclesiastical Fees Act, 1875," in the manner provided in sections two, three, and four of the said last-mentioned Act :

And whereas it is expedient to consolidate certain ecclesiastical offices, and to subject the offices so consolidated to certain regulations and alterations, and to regulate ecclesiastical fees :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by and with the authority of the same, as follows :

35

## PART I.

### *Preliminary.*

Short title. 1. This Act may be cited for all purposes as "The Ecclesiastical Offices and Fees Act, 1877."

Commence-  
ment of Act. 2. This Act shall, except where expressly herein-after provided, commence and come into operation *on the first day of July one*

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*thousand eight hundred and seventy-eight*, which day is in this Act A.D. 1877.  
herein-after referred to as the commencement of this Act. —

3. This Act shall extend only to that part of the United Kingdom Extent of Act.  
called England.

5

## PART II.

*Transfer of Property and Consolidation of certain Ecclesiastical Offices.*

4. From and after the passing of this Act all property, real and Transfer of property.  
personal, at the date of such passing belonging to any person as  
10 holding any of the following offices :

The offices mentioned in the first column of Schedule (A.) to this  
Act ;

The offices mentioned in the second column of Schedule (A.) to  
this Act ;

15 shall vest in the Ecclesiastical Commissioners for England, subject  
to all tenancies, charges, incumbrances, rights, or liabilities affecting  
the same ; and such property shall be held or disposed of by the said  
Commissioners in the manner prescribed by the rules and orders.

20 The proceeds of the sale of any property disposed of under this  
section shall, after deducting the expenses of such sale, be invested  
or otherwise applied by the said Commissioners in the manner pre-  
scribed by the rules and orders, and may be invested in the purchase  
of land, and the said Commissioners may hold such land without  
any license in mortmain.

25 The provisions of this section shall not extend to any premises  
so long as they shall be used for the transaction of the business  
of any of such offices.

5. From and after the passing of this Act no person shall be Consolida-  
tion of  
certain  
offices.  
30 appointed separately to any of the offices mentioned in the first  
column of Schedule (A.) to this Act.

Every such office, on the passing of this Act, if such office be  
then vacant, or if such office be not then vacant, then on the  
first avoidance thereof after the passing of this Act, shall be con-  
solidated with the office which is in the second column of the said  
35 Schedule set opposite to such first-mentioned office.

Nothing contained in this section shall be construed to restrain  
any archbishop or bishop from appointing a commissary for any  
purpose mentioned in the instrument of appointment, in the



A.D. 1877. exercise of any power which would have been possessed by such archbishop or bishop if this Act had not passed. Such appointment of a commissary may be made for a period not exceeding one year, and may be renewed in favour of the person theretofore holding such appointment or of any other duly qualified person. 5

Transfer of jurisdiction.

6. On the consolidation of any of the offices mentioned in the first column of Schedule (A.) to this Act any jurisdiction which was vested in or could be exercised by the person last holding such office before the consolidation thereof shall thenceforward be vested in and exercised by the holder of the office with which 10 such first-mentioned office is consolidated under this Act.

In any diocese in which the chancellor of such diocese has by the terms of his appointment or by custom discharged any duties usually discharged by archdeacons, the archdeacons of the archdeaconries within such diocese shall from and after the first 15 avoidance after the passing of this Act in such office of chancellor discharge within their respective archdeaconries all the duties usually discharged by archdeacons, so far as the same be not altered by this Act or by the rules and orders.

Saving of rights of archdeacons.

7. Nothing contained in this Act shall be construed to prevent 20 any archdeacon from holding his usual and accustomed visitation courts and visitations, whether general or parochial, or from giving all lawful directions at or in relation to such visitation courts and visitations, or from presiding at any court or synod for the election of a proctor in convocation, or from exercising any authority 25 in his archdeaconry which he might at the passing of this Act exercise personally; and nothing contained in this Act shall be construed to prevent any archdeacon from exercising the power of suspending and depriving church clerks, chapel clerks, and parish clerks given to archdeacons by an Act of the seventh and eighth 30 year of the reign of Her Majesty, chapter fifty-nine, section five.

### PART III.

#### *Judges and other Officers of the Ecclesiastical Courts.*

Vicar-general of the province of Canterbury.

8. From and after the passing of this Act no person shall be appointed to the office of vicar-general and official principal of the 35 Archbishop and province of Canterbury who is not or has not been a barrister-at-law of not less than *ten years standing*, and who is not learned in the ecclesiastical law.

Vicar-general of the province of York.

9. From and after the passing of this Act no person shall be appointed to the office of vicar-general of the Archbishop and 40

province of York who is not or has not been a barrister-at-law of A.D. 1877.  
not less than *ten years standing*, and who is not learned in the  
ecclesiastical law.

10. From and after the passing of this Act, the Archbishop of  
5 Canterbury shall, on any vacancy in the office of registrar of the Registrar of  
the province  
of Canter-  
bury.  
province of Canterbury, appoint by a writing under his hand and  
archiepiscopal seal a barrister-at-law or a solicitor to be, during the  
pleasure of the said archbishop, the registrar of the said province.

11. From and after the passing of this Act, the Archbishop of  
10 York shall, on any vacancy in the office of registrar of the province Registrar of  
of York, appoint by a writing under his hand and archiepiscopal the province  
seal a barrister-at-law or a solicitor to be, during the pleasure of the of York.  
said archbishop, the registrar of the said province.

12. From and after the passing of this Act no person shall be Chancellor  
15 appointed to the office of chancellor of a diocese, by whatever name of the dio-  
the holder of such office may be styled in the instrument of his cese.  
appointment, who is not learned in the ecclesiastical law. Every  
person appointed after the passing of this Act to the office of  
20 chancellor of a diocese shall, by virtue of such appointment, become  
vicar-general of the bishop of such diocese and official principal  
or judge of the Consistorial Court of such diocese, and the said  
offices of vicar-general and official principal shall thenceforward  
be united to the office of chancellor of such diocese.

13. From and after the passing of this Act the bishop of every Registrar of  
25 diocese shall, on any vacancy in the office of registrar of his diocese, the diocese.  
appoint by a writing under his hand and episcopal seal a barrister-  
at-law or a solicitor to be, during the pleasure of the said bishop,  
registrar of such diocese.

14. From and after the passing of this Act the registrar of Bishop's  
30 every province or diocese shall perform the duties of the secretary. secretary.  
the archbishop or bishop of such province or diocese respectively,  
unless such archbishop or bishop shall think fit to appoint by a  
writing under his hand a barrister-at-law or a solicitor to be, during  
35 the pleasure of the said archbishop or bishop, the secretary of such  
archbishop or bishop.

In such case the duties which would have been performed by the  
registrar of the province or diocese of such archbishop or bishop if  
no such appointment to the office of secretary had been made, shall  
be apportioned between such registrar and secretary in such manner  
40 as the said archbishop or bishop shall by a writing under his hand  
from time to time direct.

- A.D. 1877.** **15.** Every archbishop or bishop, when appointing to the office of registrar of a province or diocese, or to the office of secretary of such archbishop or bishop, may, if he think fit, appoint to such office more than one person, being duly qualified as aforesaid, and in such case the duties to be performed by such registrar and 5 secretary respectively shall be apportioned between such persons in such manner as the archbishop or bishop appointing thereto shall, in the instrument of appointment, direct.
- Registrar-ship, &c. may be held by more than one person.**
- 16.** The registrar of a province or diocese shall, on any vacancy in the office of archbishop or bishop of such province or diocese, 10 continue to hold office until the confirmation of the election of the successor of such archbishop or bishop, or until any nomination or presentment shall be made by Her Majesty in lieu of such election.
- Continuance of registrar during vacancy of see.**
- 17.** From and after the passing of this Act every archbishop and 15 bishop shall, on any vacancy in the office of apparitor of the province or diocese of such archbishop or bishop, appoint by a writing under his hand a fit person to be, during the pleasure of such archbishop or bishop, the apparitor of such province or diocese.
- Apparitors.**
- Nothing contained in this section shall be construed to permit 20 the appointment of more than one apparitor of each province or diocese, or to permit the appointment of an apparitor of the dioceses of Canterbury or York, in addition to the apparitors of the provinces of Canterbury and York.
- 18.** Every person appointed after the passing of this Act to any 25 of the offices mentioned in the second column of Schedule (A.) to this Act shall enjoy all the rights and privileges enjoyed by the holder of such office or of any office comprehended therein at the passing of this Act, so far as the same be not altered by this Act or by the rules and orders, and every such person so ap- 30 pointed as aforesaid to any of the said offices shall perform all duties required to be performed by the holder of such office at the passing of this Act, so far as the same be not altered by this Act or by the rules and orders, and shall also perform such additional duties as may be prescribed by this Act or by the rules and 35 orders in consequence of the consolidation of offices or otherwise.
- 19.** A person duly qualified to be appointed to the offices of official principal of the Arches Court of Canterbury, official principal or auditor of the Chancery Court of York, and master of the faculties to the Archbishop of Canterbury (the holder of 40 which offices is in this Act called the provincial judge), may be appointed by the Archbishops of Canterbury and York to be the
- Rights and duties of officers.**
- Appointment of deputies.**

deputy of such judge, subject to the approval of Her Majesty to be signified under Her Sign Manual. A.D. 1877.

A person duly qualified to be appointed to the office of vicar-general of a province, chancellor of a diocese, or registrar or  
 5 apparitor of a province or diocese, or secretary of an archbishop or bishop, may be appointed to be the deputy of any such vicar-general, chancellor, registrar, apparitor, or secretary respectively by the archbishop or bishop who would have the right of appointing to such office, in case the same were vacant.

10 **20.** No deputy shall be appointed under the last preceding section to any officer appointed after the passing of this Act unless such officer is unable, from illness or other unavoidable cause, to discharge his duties, and unless the period for which such appointment is made and the reasons for such appointment are stated in the instrument  
 15 of appointment. The acts of such deputy shall be considered to all intents and purposes the acts of the officer to whom he is appointed deputy.

**21.** Every person appointed, after the passing of this Act, to the office of provincial judge, vicar-general of a province, chancellor  
 20 of a diocese, or registrar of a province or diocese, or to be the deputy of such judge, vicar-general, chancellor, or registrar, shall, before entering upon his office, sign the declaration contained in Schedule (B.) to this Act, in lieu of any declaration which such person might have been required to make before entering upon his  
 25 office, if this Act had not passed.

**22.** The provincial judge may, after the passing of this Act, appoint a clerk to hold office during the pleasure of the said judge.

**23.** No surrogate shall be appointed after the passing of this Act, except by the master of the faculties to the Archbishop of  
 30 Canterbury, and by the vicar-general and official principal of the Archbishop and province of Canterbury, and by the vicar-general of the Archbishop and province of York, and by the chancellor of a diocese, or by any of such persons.

Any surrogate appointed after the passing of this Act shall  
 35 continue to hold office notwithstanding the death, resignation, or removal from office of the person from whom he holds his appointment, until a new appointment shall be made by the person having authority to make the same.

Any surrogate, whether appointed before or after the passing of  
 40 this Act, shall perform such formal acts on behalf and at the request of the person by whom he was appointed, or of the successor of such person, as may be prescribed by the rules and orders.

A.D. 1877.

Appoint-  
ments con-  
trary to Act  
void.

24. From and after the passing of this Act all appointments made contrary to the provisions of this Act shall be to all intents and purposes void.

## PART IV.

*Payment of Fees.*

5

Payment of  
fees.

25. From and after the commencement of this Act all fees payable under the rules and orders shall, unless otherwise directed by the rules and orders, be taken by means of stamps under such regulations as may be prescribed by the rules and orders, and if not taken by stamps, shall be taken, accounted for, and paid over 10 in such manner as may be directed by the rules and orders.

Ecclesias-  
tical Com-  
missioners to  
give direc-  
tions for  
carrying  
rules, &c.  
into effect,  
&c.

26. The Ecclesiastical Commissioners for England, upon the receipt of any rules and orders settling the fees to be paid under this Act, or prescribing the regulations under which stamps are to be used, shall give directions for carrying such rules and orders 15 into effect, and shall provide everything that is requisite for that purpose, with the consent of the Commissioners of Inland Revenue, so far as relates to the pattern, colour, and form of stamps and dies, and the making and impressing the same.

Allowance  
for spoiled  
stamps.

27. The Ecclesiastical Commissioners for England may, from 20 time to time, make such regulations as they shall think fit for the allowance of such stamps issued under this Act as may have been inadvertently spoiled, or for which the owner may have no immediate use, or which through mistake or inadvertence may have been improperly or unnecessarily used; and such allowance shall 25 be made, either by giving other stamps in lieu of the stamps so allowed, or by repaying the money paid for such stamps to the owner or holder thereof.

No document  
to be re-  
ceived or  
used unless  
stamped.

28. No document which by the rules and orders shall be required to be stamped shall be received, filed, used, or admitted in 30 evidence, unless and until it is properly stamped within the time prescribed by the rules and orders regulating the use of stamps; but if any such document is through mistake or inadvertence received, filed, used, or admitted in evidence, without being properly stamped, the judge of the court, in which court, or in the 35 registry of which court such document has been received, filed, used, or admitted in evidence, may, if he shall think fit, order that such document shall be stamped as in such order may be directed;

and, on such document being stamped accordingly, the same and every proceeding in reference thereto shall be valid as if such document had been properly stamped in the first instance. A.D. 1877.

- 29.** Any person who forges or counterfeits any stamp issued under this Act, or who uses any forged or counterfeit stamp, knowing the same to be forged or counterfeit, or who uses any stamp issued under this Act knowing the same to have been previously cancelled or used, shall be guilty of forgery, and shall be liable, on conviction, to penal servitude for a term not exceeding seven years, or to imprisonment with or without hard labour for a term not exceeding two years. Penalty for forging stamps.

#### PART V.

##### *Ecclesiastical Fees Fund.*

- 30.** All moneys received by the Ecclesiastical Commissioners for England under this Act shall be placed by them to the credit of a fund to be called the Ecclesiastical Fees Fund. Ecclesiastical Fees Fund.

- 31.** The Ecclesiastical Commissioners for England shall pay out of the Ecclesiastical Fees Fund such sums for the expenses incurred by the said Commissioners in carrying into effect the provisions of this Act as may from year to year be prescribed by the rules and orders. Payments out of fund.

The said Commissioners shall also pay out of the Ecclesiastical Fees Fund all salaries and payments directed to be paid to any person under this Act, except where otherwise expressly provided.

- 32.** The balance (if any) standing to the credit of the Ecclesiastical Fees Fund at the end of any year shall be carried forward to the credit of the said fund in the year following.

- 33.** The accounts of the receipts and disbursements of the persons directed to take fees under this Act shall be audited by an auditor appointed by the Ecclesiastical Commissioners for England. Audit of accounts.

- 34.** The Ecclesiastical Commissioners for England shall prepare a statement of the receipts and disbursements of the Ecclesiastical Fees Fund up to the first day of January in every year, which statement shall be audited by the auditor of the accounts of the said Commissioners, and shall be laid before each House of Parliament on or before the thirty-first day of March following, if Parliament be then sitting, or if not, within ten days after the first meeting of Parliament next after the said thirty-first day of March. Statement of fund to be prepared.

A.D. 1877.

## PART VI.

*Remuneration of the Judges and other Officers of the Ecclesiastical Courts.*Salaries of  
provincial  
and diocesan  
officers, &c.

**34.** From and after the commencement of this Act there shall be paid to the persons appointed after the passing of this Act to 5 any of the offices mentioned in Schedule (C.) to this Act salaries not exceeding in amount the sums set opposite to the respective titles of the said offices in the said schedule.

The salaries to be paid to the chancellors of dioceses and to the registrars of dioceses and to the apparitors of dioceses shall not 10 exceed in their aggregate amount the sums set opposite to the respective titles of the said offices in the said schedule: Provided, that in the event of an increase in the number of dioceses Her Majesty may from time to time, by Order in Council, make such 15 addition to the aggregate amounts of the sums named in Schedule (C.) to this Act as may secure adequate remuneration to the offices of such dioceses.

If any archbishop or bishop shall appoint a secretary under this Act, the salary of the registrar of the province or diocese of such archbishop or bishop shall be apportioned between such registrar 20 and secretary in such manner as the archbishop or bishop appointing thereto shall in the instrument of such appointment direct.

If more than one person is appointed to the office of registrar of a province or diocese or to the office of secretary of any archbishop or bishop under this Act, the salary of such registrar or secretary 25 shall be apportioned between such persons so appointed in such manner as the archbishop or bishop appointing to such office shall in the instrument of appointment direct.

Date of pay-  
ment of  
salaries.

**35.** All salaries directed to be paid to any person under this Act shall grow due from day to day, but shall, so far as regards any 30 money due up to and including the thirty-first day of December in every year, be paid to the persons entitled thereto, or to their executors or administrators, on or before the thirty-first day of March following, unless the payment of such salaries or any of them at more frequent periods shall be directed by the rules and orders. 35

Remunera-  
tion of depu-  
ties.

**36.** There shall be paid to any person appointed under this Act to be the deputy of any officer appointed after the passing of this Act such sums as may be prescribed in the instrument of appointment; and such payments shall be deducted out of the salary of the officer to whom such person is appointed 40 deputy.

A.D. 1877.

**37.** It shall be lawful for surrogates to receive for their own use such fees for marriage licenses granted through them as they could have lawfully received if this Act had not passed.

Remuneration of surrogates.

There shall be paid to any surrogate performing any formal act such sums as may be prescribed by the rules and orders, and such payments shall be deducted out of the salary of the person on whose behalf such surrogate performs such act.

**38.** The registrars and other officers appointed after the passing of this Act shall pay out of the salaries or other sums of money received by them under this Act all such expenses and disbursements as may be prescribed by the rules and orders, and shall discharge such duties and prepare such documents as they may be directed to discharge or prepare by the rules and orders, without any fee or other pecuniary remuneration whatsoever, except the salaries or other sums of money to which they are entitled under this Act, and except such a sum (if any) as may be allowed by the rules and orders in respect of the cost of any material on which a stamp is impressed, if such material be supplied by such persons.

No fees to be received by officers.

**39.** From and after the commencement of this Act there shall be paid to every archdeacon such an annual sum as the Ecclesiastical Commissioners for England may deem to be an equivalent for such of the fees paid into the Ecclesiastical Fees Fund under this Act as would if this Act had not passed have been paid to such archdeacon.

Payments to archdeacons out of Ecclesiastical Fees Fund.

**40.** In every year in which the income received by any archdeacon from any emoluments or endowments in respect of his office, together with the payment (if any) which before the passing of this Act was agreed to be made to such archdeacon or to any predecessor of such archdeacon by the Ecclesiastical Commissioners for England out of their common fund, under the provisions of an Act of the third and fourth year of the reign of Her Majesty, chapter one hundred and thirteen, section thirty-four, shall not amount to the sum of two hundred pounds, the said Commissioners shall from and after the commencement of this Act pay out of their common fund to such archdeacon a sum equal to the difference between the amount of the income received by him as aforesaid and the sum of two hundred pounds.

Payment to archdeacons by Ecclesiastical Commissioners.  
Amendment of 3 & 4 Vict. c. 113. s. 34.

The payment of any sum to an archdeacon under this section shall be subject to the same conditions as to the residence of such archdeacon as are prescribed by the above-mentioned section of the

[12.]

B 2



A.D. 1877. — said Act of the third and fourth year of the reign of Her Majesty, in reference to payments made under the said section.

## PART VII.

### *Miscellaneous Provisions.*

Rules and  
orders.

41. Her Majesty may at any time after the expiration of *six* 5  
*months* from the passing of this Act, by Order in Council, made  
upon the recommendation of the Archbishop of Canterbury, the  
Lord High Chancellor, the Archbishop of York, and such other  
members of Her Majesty's most Honourable Privy Council as Her  
Majesty may from time to time under Her Sign Manual appoint, 10  
or any three of the said persons, one of them being the Lord High  
Chancellor, make rules and orders (in this Act called the rules  
and orders) for carrying this Act into effect, and in particular for  
all or any of the following matters, so far as the same may not be  
expressly regulated by this Act; (that is to say,) 15

- (1.) For prescribing the duties to be performed by any registrar  
or other officer in respect of any office or employment for  
which he receives a salary or other sum of money under  
this Act : 15
- (2.) For ensuring the proper custody within any province of the 20  
records and other documents and papers placed in  
the custody of the registrar of such province, and for  
ensuring the proper custody within any diocese of the  
records and other documents and papers placed in the  
custody of the registrar of such diocese : 25
- (3.) For prescribing the number, form, and character of the  
documents to be prepared or transmitted by the registrars  
of provinces or dioceses, except articles of inquiry at visita-  
tions, and for directing the manner of such transmission :
- (4.) For settling the fees to be taken from any person for any 30  
matter or thing for which fees or other pecuniary remun-  
eration could at the passing of this Act be taken under  
any lawful custom or any statute by or on behalf of any  
of the following persons :

Archdeacons of archdeaconries ; 35

Persons exercising any peculiar ecclesiastical jurisdiction  
(other than the deans or the deans and chapters of  
cathedral or collegiate churches) ;

Persons holding any of the offices mentioned in the first  
column of Schedule (A.) to this Act ; 40

Persons holding any of the offices mentioned in the second column of Schedule (A.) to this Act : A.D. 1877.

- 5 (5.) For settling the fees to be taken on behalf of the Ecclesiastical Fees Fund from any archbishop or bishop at the confirmation of the election or at the consecration of such archbishop or bishop, or at the nomination or presentment of any person by Her Majesty in lieu of such election, and from any person required by this Act to sign the declaration contained in Schedule (B.) to this Act, at the  
10 appointment of such person, or from any secretary of any archbishop or bishop, at the appointment of such secretary, or on any of such occasions :
- 15 (6.) For prescribing the regulations under which stamps are to be used under this Act, and particularly for prescribing the application thereof to documents from time to time in use or required to be used for the purposes of such stamps, and for insuring the proper cancellation of stamps, and for keeping accounts of such stamps, and for prescribing the manner in which such fees as shall not be taken by  
20 stamps shall be taken, accounted for, and paid over :
- (7.) For fixing the salary or other sum of money to be paid to any person under this Act, regard being had to the nature and extent of the duties performed by such person, and to the funds available for the remuneration thereof :
- 25 And Her Majesty may from time to time, in like manner, alter or amend such rules and orders, without prejudice to anything done or suffered under such rules and orders.

All rules and orders shall be laid before each House of Parliament within *forty days* after the same are made, if Parliament is then  
30 sitting, or if not, within *forty days* after the then next meeting of Parliament ; and if an address is presented to Her Majesty by either of the said Houses within the next subsequent forty days on which the House shall have sat, praying that any such rules and orders may be annulled, Her Majesty may thereupon, by Order in Council,  
35 annul the same, and the rules and orders so annulled shall thenceforth become void, without prejudice to anything done or suffered under such rules and orders.

42. In settling the fees to be taken for any instrument of donation, presentation, nomination, collation, institution, induction,  
40 or licence, or any other instrument, matter, or thing connected with the admission of any spiritual person to any cathedral preferment or benefice (as defined in an Act of the first and second year of the reign of Her Majesty, chapter one hundred and six), it shall be

Provisions as to fees for institutions, &c.  
1 & 2 Vict. c. 106.

A.D. 1877. — lawful to fix graduated scales of fees in respect of such cathedral preferments or benefices, and the value of such cathedral preferments or benefices shall be estimated in the same manner as the annual value of benefices is directed to be estimated by section ten of the said Act. 5

Council of  
vicars-general,  
&c.

**43.** A council consisting of the persons herein-after mentioned shall be summoned within three months after the passing of this Act, and thenceforward once at least in every year by the provincial judge at a time and place to be fixed by the said judge.

The council shall consist of the following persons : 10

The provincial judge.

The vicar-general and official principal of the archbishop and province of Canterbury.

The vicar-general of the archbishop and province of York.

Four chancellors of dioceses within the province of Canterbury, chosen by the chancellors of the dioceses within such province. 15

Two chancellors of dioceses within the province of York, chosen by the chancellors of the dioceses within such province. 20

Four archdeacons of archdeaconries within the province of Canterbury, chosen by the archdeacons of the archdeaconries within such province.

Two archdeacons of archdeaconries within the province of York, chosen by the archdeacons of the archdeaconries within such province. 25

Four registrars of dioceses within the province of Canterbury, chosen by the registrars of the dioceses within such province.

Two registrars of dioceses within the province of York, chosen by the registrars of the dioceses within such province. 30

Eight proctors in convocation for the clergy of the province of Canterbury, chosen by the proctors in convocation for the clergy of such province.

Four proctors in convocation for the clergy of the province of York, chosen by the proctors in convocation for the clergy of such province. 35

The registrars of the provinces of Canterbury and York may be chosen in lieu of a registrar of a diocese within such provinces respectively.

The first election of persons to be chosen under this section shall be held within two months after the passing of this Act, in such manner as the Archbishops of Canterbury and York may jointly direct, and the said archbishops shall notify the names of the persons so chosen to the provincial judge. 40

The persons so chosen shall be members of the council for two years, or until they cease to hold their respective offices, whichever shall first happen, and the successors of such persons shall be appointed for such periods and in such manner as may be prescribed  
5 by the rules and orders. A.D. 1877.

The provincial judge shall (if present) be the chairman of such council; but if such judge shall be absent from any meeting, the members present at such meeting shall elect another member as chairman.

10 In case of an equality of votes on a question at a meeting, the chairman shall have a second or casting vote in respect of that question.

The duty of the council shall be to make suggestions for the framing of rules and orders under this Act, and to consider the  
15 operation of this Act, and the rules and orders for the time being in force.

Copies of the minutes of the proceedings of every meeting of the council shall be transmitted by the chairman of the meeting to the persons appointed under this Act to recommend rules and orders for  
20 the approval of Her Majesty, and shall be taken into consideration by such persons.

44. From and after the commencement of this Act no church-warden shall be admitted to office unless he produce a certificate of his appointment, signed by the chairman of the vestry at which  
25 such churchwarden was appointed, or by the person in whom such appointment is vested. Church-wardens.

From and after the commencement of this Act no fee shall be paid at his admission to office or at any visitation by any churchwarden.

30 Nothing contained in this section shall be construed to exempt any churchwarden from any duty which may now be imposed upon him to attend visitations and to be admitted to office and to make presentments and answers to articles of inquiry thereat. The expression "churchwarden" in this section shall be construed to  
35 include "sidesman."

45. From and after the passing of this Act, it shall be lawful for any archdeacon, if he should think fit, to appoint during pleasure a person to be his deputy in the discharge of any duties of his office which could have been discharged by the official or surrogate  
40 of such archdeacon if this Act had not passed, except in so far as such duties may be altered or abolished by this Act. Every person so appointed deputy must be a person who would have been qualified to be appointed the official or surrogate of such arch-

A.D. 1877. — deacon if this Act had not passed. The lawful acts of such deputy shall be considered to all intents and purposes the acts of the archdeacon by whom he is appointed deputy.

## PART VIII.

### *Temporary Provisions.*

5

#### *Offices.*

Existing  
officers to  
perform  
duties of  
offices.

**46.** Every person holding at the passing of this Act any of the offices mentioned in the first column of Schedule (A.) to this Act, and every person holding at the passing of this Act any of the offices mentioned in the second column of the said Schedule, shall, notwithstanding anything to the contrary contained in this Act, continue to hold such office, subject to the same conditions as to tenure of office and as to the power of appointing a deputy as were attached thereto before the passing of this Act, and shall, in addition to or in substitution for any of the duties now performed by him or by his lawfully appointed deputy in respect of such office, so far as the same be not altered by this Act or by the rules and orders, be liable to perform, by himself or by his lawfully appointed deputy, any other duties which may be prescribed by this Act or by the rules and orders; provided that such duties be analogous to the duties which such person has hitherto performed. Deputy registrars appointed by registrars holding office at the passing of this Act may, in the absence of their principals, vote at the elections for the council of vicars-general and other persons established under this Act, and be elected to serve on the said council.

25

Provisions  
pending  
vacancy in  
certain  
offices.

**47.** On the consolidation of any of the offices mentioned in the first column of Schedule (A.) to this Act, temporary provision for the discharge of any duties theretofore attached to such office may be made until the first vacancy after the passing of this Act in the office with which it may have been directed by this Act that such first-mentioned office should be thereafter consolidated, so far as such duties be not altered by this Act or by the rules and orders; and the archbishop or bishop who would on any vacancy therein appoint to the office with which the said first-mentioned office may be directed to be consolidated as aforesaid shall determine if such temporary provision be expedient, and shall from time to time make the appointments necessary for carrying this section into effect.

35

48. When the office of registrar of any Ecclesiastical Court is at the passing of this Act held in possession or reversion by more than one person, such office shall be deemed to be vacant for the purposes of this Act, on the death, resignation, or removal from office of the survivor of such persons.

A.D. 1877.

When office of registrar is to be deemed vacant.

49. Any person who has before *the first day of January one thousand eight hundred and seventy-seven* been admitted as a proctor of any ecclesiastical court in England shall be qualified to be appointed to be the registrar or one of the registrars of a province or diocese, or to be the secretary or one of the secretaries of any archbishop or bishop, notwithstanding anything to the contrary contained in this Act.

Certain persons may be appointed registrars, &c.

Any person who has held the office of deputy-registrar of a province or diocese, either solely or in conjunction with one or more person or persons, for the *seven years next before the passing of this Act*, shall be qualified to be appointed to be the registrar or one of the registrars of such province or diocese, notwithstanding anything to the contrary contained in this Act.

Any person who has held the office of secretary of any archbishop or bishop, either solely or in conjunction with one or more person or persons, for the *seven years next before the passing of this Act*, shall be qualified to be appointed to be the registrar or one of the registrars of the province or diocese, or to be the secretary or one of the secretaries of such archbishop or bishop, notwithstanding anything to the contrary contained in this Act.

50. Within *one year* after the avoidance of the office of registrar of any commissary, archdeaconry, or peculiar ecclesiastical jurisdiction, the records and other documents and papers preserved in the registry of such commissary, archdeaconry, or peculiar ecclesiastical jurisdiction shall be transferred to the registry of the diocese in which the jurisdiction of such commissary has been exercised, or in which such archdeaconry or peculiar ecclesiastical jurisdiction is locally situate, unless it shall be directed by the rules and orders that the date of such transfer shall be postponed; and the cost of such transfer shall be fixed by the rules and orders, and shall be paid out of the Ecclesiastical Fees Fund.

Transfer of records.

Until such transfer regulations may be made by the rules and orders for ensuring the proper custody of such records and other documents and papers.

Any records and other documents and papers which relate wholly to a diocese, but which from a change of the boundaries of any diocese or otherwise have remained in the custody of the registrar of a diocese other than that to which they relate, shall on application

A.D. 1877. — in writing by the bishop of the diocese to which they relate, be transferred to the custody of the registrar of such last-mentioned diocese.

Nothing contained in this section shall be construed to extend to the records and other documents or papers in the custody of the dean or of the dean and chapter of any cathedral or collegiate church.

Provisions as to registry buildings.

**51.** The archbishop or bishop of any province or diocese, and the dean and chapter of any cathedral church within any province or diocese, and the Ecclesiastical Commissioners for England, or any of such persons, may, if they think fit, grant for the purposes of the registry of such province or diocese any portion of the land or buildings vested in them; and such grant may be made free of rent or other charges, or upon such other terms as the said archbishop or bishop, or the said dean and chapter, or the said Commissioners respectively, may determine. 10 15

The said Commissioners shall grant from the Ecclesiastical Fees Fund such a sum, not exceeding five hundred pounds for each province or diocese, as may be prescribed by the rules and orders, for providing by purchase, or otherwise, or for fitting up a registry office for such province or diocese. 20

No grant of money shall be made under this section unless the registry office for which such grant is made be vested in the archbishop or bishop of the province or diocese, or in the dean and chapter of the cathedral church, or in the said Commissioners. 25

#### *Remuneration of Officers.*

Payment to the existing provincial judge.

**52.** There shall be paid to the provincial judge holding office at the passing of this Act, so long as he shall hold the said office of judge, and at such times as may be fixed by the rules and orders, such sums as shall, with any emoluments received by him under "The Ecclesiastical Fees Act, 1875," or otherwise as such judge, amount to the sum of fifteen hundred pounds per annum, dating from the *first day of July one thousand eight hundred and seventy-five*. 30

Payments for expenses of Courts.

**53.** Until the first appointment of a registrar of the province of Canterbury under this Act, there may be paid to the provincial judge such a sum for the necessary expenses of the Arches Court of Canterbury as may from time to time be prescribed by the persons appointed to recommend rules and orders for the approval of Her Majesty. 35 40

Until the first appointment of a registrar of the province of York under this Act, there may be paid to the provincial judge such a

sum for the necessary expenses of the Chancery Court of York as may from time to time be prescribed by the persons appointed to recommend rules and orders for the approval of Her Majesty. A.D. 1877.

54. Every person exercising at the passing of this Act any peculiar ecclesiastical jurisdiction other than the dean or the dean and chapter of any cathedral or collegiate church, and every person holding at the passing of this Act any of the offices mentioned in the first column of Schedule (A.) to this Act, and every person holding at the passing of this Act any of the offices mentioned in the second column of the said Schedule, shall, from and after the commencement of this Act, receive annually during his tenure of office, in lieu of all fees or of any other pecuniary remuneration theretofore received by him in respect of such office, such a salary as may be prescribed by the rules and orders.
- 5 The amount of such salary, except as herein-after otherwise provided, shall, from time to time, be so fixed as to bear, as nearly as may be, the same proportion to the total annual amount of the Ecclesiastical Fees Fund as the amount of fees or any other pecuniary remuneration annually received before the passing of this Act by the holder of such office for the time being in respect of such office bore to the total amount of the fees and other pecuniary remuneration annually received by all the holders of such offices in respect of such offices, calculated on the average gross receipts of the three years next before the *first day of January one thousand eight hundred and seventy-seven*.

Salaries of  
existing  
holders of  
certain  
offices.

- The amount of such average gross receipts shall be determined by the Ecclesiastical Commissioners for England, and the said Commissioners shall be entitled to call for any documents or evidence which they may consider necessary in order to enable them to ascertain the amount of such average gross receipts, and their determination thereon shall be final.

- If the holder of any office shall fail to supply such documents or evidence within one month of his being required to supply such documents or evidence, the said Commissioners shall be at liberty to determine the amount of such average gross receipts without reference to such documents or evidence.

- In determining the amount of the salary to be paid to any person under this section, regard may be had to any alteration heretofore from time to time caused by episcopal visitations in the relative amount of the fees and other pecuniary remuneration due to the persons holding offices in the diocese in which such first-mentioned person holds office.



A.D. 1877.

If the boundaries of any province, diocese, or archdeaconry shall have been altered after the thirty-first day of December one thousand eight hundred and seventy-five, or shall be altered after the passing of this Act, the amount of the salary to be received under this section by any person whose office is affected by such alteration 5 shall, from time to time, be determined by the rules and orders, regard being had to any increase in or diminution of the duties of such office resulting from such alteration.

Before estimating the total annual amount of the Ecclesiastical Fees Fund for the purposes of this section, there shall be deducted 10 therefrom—

- (1.) Any balance brought forward from the preceding year ;
- (2.) The payments directed by this Act to be made out of the Ecclesiastical Fees Fund to any archdeacon.

Persons receiving salaries under this section shall pay thereout 15 such remuneration as they may think fit to the deputies appointed by them.

Compensation to persons appointed before 13th August 1836.

55. If any person holding any of the offices mentioned in the first column of Schedule (A.) to this Act, or if any person holding any of the offices mentioned in the second column of the 20 said Schedule, shall have been appointed to such office before the passing of the above-recited Act of the sixth and seventh year of King William the Fourth, chapter seventy-seven, there shall be paid to such person, in addition to the salary paid to him under this Act, such an annual sum, to be prescribed by the rules and orders, 25 as may be a just and reasonable compensation to him for any loss of emoluments which he may sustain under this Act.

Compensation to officers whose property is transferred.

56. There shall be paid to any person who has sustained any pecuniary loss in consequence of the vesting of any property in the Ecclesiastical Commissioners for England under this Act, such an 30 annual sum to be prescribed by the rules and orders as may be a just and reasonable compensation to him for such loss.

Additional payments to certain officers.

57. There shall be paid to any person holding at the passing of this Act any of the offices mentioned in the first column of Schedule (A.) to this Act, and to any person holding at the passing 35 of this Act any of the offices mentioned in the second column of the said Schedule, in addition to the salary paid to him under this Act, such an annual sum to be prescribed by the rules and orders as may appear a just and reasonable remuneration for any additional duties performed by such person under this Act. 40

Provisions as to certain payments.

58. Nothing contained in this Act shall be construed to prohibit any persons from receiving any sums under this Act as com-

pensation for loss of emoluments or as remuneration for the performance of additional duties. A.D. 1877.

- 59.** The Ecclesiastical Commissioners for England shall, from time to time, advance from their common fund to the Ecclesiastical Fees Fund such sums as may be necessary to provide for the payment of such sums as may from year to year be prescribed by the rules and orders for the expenses incurred by the said Commissioners in carrying into effect the provisions of this Act, and for the payment of any of the sums directed to be paid under this Act to the provincial judge and to the clerk of such judge and to any person as compensation for loss of emoluments or as remuneration for the performance of additional duties and for the necessary expenses of the Arches Court of Canterbury and the Chancery Court of York, or for any such payments.
- 60.** Such sums so advanced shall be repaid from the Ecclesiastical Fees Fund to the common fund of the said Commissioners, together with interest at the rate of four pounds per centum per annum.
- The total amount of the sums advanced under this section shall not exceed the sum of ten thousand pounds.
- 60.** Persons appointed under this Act to discharge the duties of any office until the first vacancy after the passing of this Act in the office with which such first-mentioned office is consolidated shall receive such remuneration as may be prescribed by the rules and orders.
- 61.** If any person exercising at the passing of this Act any peculiar ecclesiastical jurisdiction (other than the dean or the dean and chapter of any cathedral or collegiate church), or if any person holding at the passing of this Act any of the offices mentioned in the first column of Schedule (A.) to this Act, or if any person holding at the passing of this Act any of the offices mentioned in the second column of the said Schedule, shall resign such office, he shall not be thereby disqualified from continuing to receive any yearly sum which may have been awarded to him as compensation under the Court of Probate Act, 1857.

Advances by  
the Eccle-  
siastical Com-  
missioners.

Payments to  
certain tem-  
porary  
officers.

Pensions  
under Pro-  
bate Act.

35

## PART IX.

*Repeal of Acts.*

**62.** From and after the commencement of this Act there shall be repealed— Repeal of  
Acts.

- (1.) The Acts specified in Schedule (D.) to this Act to the extent in the third column of that schedule mentioned :

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A.D. 1877. (2.) Any other enactment, whether contained in any of the said  
— Acts or otherwise, which may be inconsistent with this  
Act.

This repeal shall not revive any enactment, right, office, privilege, matter, or thing not in force or existing at the commencement of 5 this Act, and such repeal shall be without prejudice to anything done or suffered before the said commencement under any of the enactments hereby repealed.

Notwithstanding the repeal of any enactment under this section, any fee which shall have been ordained by, or in the exercise of any 10 power given by, such enactment, or which shall have been taken before the commencement of this Act under any lawful custom or under any statute, for any matter or thing for which fees can be settled under this Act, shall, unless otherwise directed by this Act, continue to be payable until otherwise directed by the rules and 15 orders, and every such fee shall be paid in the same manner as is herein-before prescribed in reference to fees payable under the rules and orders.

A.D.1877.

## The SCHEDULES to the foregoing Act.

## SCHEDULE (A.)

*Offices to be consolidated.*

First Column.	Second Column.
<p>5 Offices to be consolidated with the Offices mentioned in the second column.</p>	<p>Offices with which the Offices mentioned in the first column are to be consolidated.</p>
<p>10 Commissary-General of the City and Diocese of Canterbury.</p> <p>Official Principal of the Consistory Court of the Diocese of York.</p> <p>15 Registrar of the Arches Court of Canterbury.</p> <p>Registrar of the Office of Faculties to the Archbishop of Canterbury.</p> <p>Registrar of the Consistory Court and Diocese of Canterbury.</p> <p>20 Officials of the Archdeacons and Archdeaconries within the Diocese of Canterbury, when the duties of such officials are not performed by such Archdeacons.</p> <p>25 Registrars of the Archdeacons and Archdeaconries within the Diocese of Canterbury.</p> <p>Officials and registrars of the Commissary and peculiar Ecclesiastical Courts (if any) within the Diocese of Canterbury.</p> <p>30 Record Keeper, Sealer, and Seal Keeper of the Archbishop or Province or Diocese of Canterbury or of any Ecclesiastical Court within such province or diocese.</p> <p>35</p>	<p>{ Vicar-General and Official Principal of the Archbishop and Province of Canterbury.</p> <p>{ Vicar-General of the Archbishop and Province of York.</p> <p>{ Registrar of the Province of Canterbury.</p> <p>{ Secretary of the Archbishop of Canterbury (if any).</p>

[12.]

C 4

A.D. 1877.

First Column. Offices to be consolidated with the Offices mentioned in the second column.	Second Column. Offices with which the Offices mentioned in the first column are to be consolidated.
Apparitor of the Arches Court of Canterbury, and of any other Ecclesiastical Court or Officer within the Diocese of Canterbury.	Apparitor of the Province of Canterbury. 5
Registrar of the Consistory Court and Diocese of York:	10
Officials of the Archdeacons and Archdeaconries within the Province of York, when the duties of such officials are not performed by such Archdeacons.	
Registrars of the Archdeacons and Archdeaconries within the Diocese of York.	{ Registrar of the Province of York. 15
Officials and Registrars of the Commissary and peculiar Ecclesiastical Courts (if any) within the Diocese of York.	{ Secretary of the Archbishop of York (if any). 20
Record Keeper, Sealer, and Seal Keeper of the Archbishop or Province or Diocese of York and of any Ecclesiastical Court within such province or diocese.	25
Apparitor of the Consistory Court of the Diocese of York and of any other Ecclesiastical Court or Officer within the diocese of York.	Apparitor of the Province of York.
Commissary of any Bishop.	Chancellor of the Diocese. 30
Officials of the Archdeacons and Archdeaconries within any Diocese other than those of Canterbury and York, when the duties of such officials are not performed by such Archdeacons.	{ Registrar of the Diocese. Bishop's Secretary (if any). 35
Registrars of the Archdeacons and Archdeaconries within any Diocese other than those of Canterbury and York.	40

First Column. Offices to be consolidated with the Offices mentioned in the second column.	Second Column. Offices with which the Offices mentioned in the first column are to be consolidated.	A.D. 1877.
<p>5 Officials and Registrars of the Commissary and peculiar Ecclesiastical Courts (if any) within any Diocese other than those of Canterbury and York.</p> <p>10 Record Keeper, Sealer, and Seal Keeper of any Bishop, Court, or Diocese other than those of Canterbury and York.</p> <p>Apparitor of any Bishop, and of any</p> <p>15 other ecclesiastical officer or court within any Diocese.</p> <p>The cryer of court, and clerk of county of the diocese of Lichfield.</p>	<p>{ Registrar of the Diocese. Bishop's Secretary (if any).</p> <p>{ Apparitor of the Diocese.</p>	

### SCHEDULE (B.)

20

#### *Declaration of Office.*

I, *A.B.*, appointed to the office of \_\_\_\_\_, do hereby solemnly declare that I am a member of the Church of England as by law established, and that I will discharge the duties of the said office to the uttermost of my understanding, without respect of favour or  
 25 reward.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_.

A.D. 1877.  
— —SCHEDULE (C.)  
— — — — —*Maximum Salaries payable to Officers appointed after the passing  
of this Act.*

	£
Provincial Judge - - - - -	2,000 5
Clerk of the Provincial Judge - - - - -	200
Vicar-General and Official Principal of the Archbishop and Province of Canterbury - - - - -	600
Registrar of the Province of Canterbury - - - - -	1,500 10
Secretary of the Archbishop of Canterbury } together (if any) - - - - -	
Apparitor of the Province of Canterbury - - - - -	30
Vicar-General of the Archbishop and Province of York - - - - -	400
Registrar of the Province of York - - - - -	1,000 15
Secretary of the Archbishop of York (if any) } together	
Apparitor of the Province of York - - - - -	25
Chancellor of the Diocese of London - - - - -	400
Registrar of the Diocese of London - - - - -	1,250
Secretary of the Bishop of London (if any) - } together	
Chancellors of Dioceses, except those of Canterbury, York, and London - - - - - in all	5,000 20
Registrars of Dioceses - { except those of } Bishops' Secretaries (if any) { Canterbury, York, } in all	20,000
Apparitors of Dioceses, except those of Canterbury, and York - - - - - in all	25 500

## SCHEDULE (D.)

*Acts repealed.*

	Session and Chapter.	Title.	Extent of Repeal.
5	10 Geo. 4. c. 53. -	An Act to regulate the duties, salaries, and emoluments of the Officers, Clerks, and Ministers of certain Ecclesiastical Courts in England.	The whole Act.
	1 & 2 Vict. c. 106. -	An Act to abridge the holding of Benefices in Plurality, and to make better provision for the residence of the Clergy.	Section 131.
10	30 & 31 Vict. c. 133.	An Act relating to the Consecration of Churchyards.	Section 3.
	30 & 31 Vict. c. 135.	An Act for the establishment of a Table of Fees to be taken on the consecration of Churches, Chapels, and Burial Grounds, on the ordination of Deacons and Priests, and on Visitations.	The whole Act.
15			
	34 & 35 Vict. c. 43.	An Act for the amendment of the law relating to Ecclesiastical Dilapidations.	So much of section 10 as relates to the fees of the bishop's secretary and the registrar.
20			
	34 & 35 Vict. c. 44.	An Act to enable Clergymen permanently incapacitated by illness to resign their benefices with provision of pensions.	Section 17.
25	37 & 38 Vict. c. 85.	An Act for the better administration of the laws respecting the regulation of Public Worship.	So much of section 19 as relates to fees.



# **Ecclesiastical Offices and Fees.**

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## **B I L L**

To reform certain Ecclesiastical Offices,  
and to regulate Ecclesiastical Fees.

(*Prepared and brought in by  
Mr. Cooper-Temple and Mr. Russell Gurney.*)

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*Ordered, by The House of Commons, to be Printed,  
9 February 1877.*

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[Bill 12.]

*Tinder 4 oz.*

# Ecclesiastical Offices and Fees Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

## ARRANGEMENT OF CLAUSES.

### PART I.

#### *Preliminary.*

Clause.

1. Short title.
2. Commencement of Act.
3. Extent of Act.

### PART II.

#### *Transfer of Property and Consolidation of certain Ecclesiastical Offices.*

4. Transfer of property.
5. Consolidation of certain offices.
6. Transfer of jurisdiction.
7. Saving of rights of archdeacons.

### PART III.

#### *Judges and other Officers of the Ecclesiastical Courts.*

8. Vicar-general of the province of Canterbury.
9. Vicar-general of the province of York.
10. Registrar of the province of Canterbury.
11. Registrar of the province of York.
12. Chancellor of the diocese.
13. Registrar of the diocese.
14. Bishop's secretary.
15. Removal of registrar.
16. Apparitors.
17. Rights and duties of officers.
18. Appointment of deputies.
19. Conditions of appointment of deputies.
20. Declaration of office.
21. Judge's clerk.

[Bill 130.]

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Clause.

- 22. Surrogates.
  - 23. Provisions as to appointments made after 2nd March 1876.
  - 24. Appointments contrary to Act void.
- 

#### PART IV.

##### *Payment of Fees.*

- 25. Payment of fees.
  - 26. Ecclesiastical Commissioners to give directions for carrying rules, &c. into effect, &c.
  - 27. Sale of stamps.
  - 28. Allowance for spoiled stamps.
  - 29. No document to be received or used unless stamped.
  - 30. Penalty for forging stamps.
- 

#### PART V.

##### *Ecclesiastical Fees Fund.*

- 31. Ecclesiastical Fees Fund.
  - 32. Payments out of fund.
  - 33. Audit of accounts.
  - 34. Statement of fund to be prepared.
- 

#### PART VI.

##### *Remuneration of Judges and other Officers of the Ecclesiastical Courts.*

- 35. Salaries of provincial and diocesan officers, &c.
  - 36. Provisions as to the salary of the provincial judge.
  - 37. Date of payment of salaries.
  - 38. Remuneration of deputies.
  - 39. Remuneration of surrogates.
  - 40. No fees to be received by officers.
  - 41. Payments to archdeacons out of Ecclesiastical Fees Fund.
  - 42. Payments to archdeacons by Ecclesiastical Commissioners.
- Amendment of 3 & 4 Vict. c. 113. s. 34.
-

## PART VII.

*Miscellaneous Provisions.*

Clause.

- 43. Rules and orders.
  - 44. Provisions as to fees for institutions, &c.
  - 45. Provisions as to certain benefices.
  - 46. Churchwardens.
  - 47. Deputies of archdeacons.
- 

## PART VIII.

*Temporary Provisions.**Offices.*

- 48. Existing officers to perform duties of offices.
- 49. Provisions pending vacancy in certain offices.
- 50. When office of registrar is to be deemed vacant.
- 51. Certain persons may be appointed registrars, &c.
- 52. Transfer of records.
- 53. Provisions as to registry buildings.

*Remuneration of Officers.*

- 54. Payment to the existing provincial judge.
  - 55. Salaries of existing holders of certain offices.
  - 56. Compensation to persons appointed before 13th August 1836.
  - 57. Compensation to officers whose property is transferred.
  - 58. Provisions as to vesting of property.
  - 59. Additional payments to certain officers.
  - 60. Advances by the Ecclesiastical Commissioners.
  - 61. Payments to certain temporary officers.
  - 62. Pensions under Probate Act.
- 

## PART IX.

*Repeal of Acts.*

- 63. Repeal of Acts.
- SCHEDULES.
-



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## B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Reform certain Ecclesiastical Offices, and to regulate Ecclesiastical Fees.

A.D. 1877.

WHEREAS by an Act of the sixth and seventh year of King William the Fourth, chapter seventy-seven, it was recited that it might be expedient to consider the state and jurisdiction of all the ecclesiastical courts in England and Wales; and it was provided  
 5 that in case the office of judge, registrar, or other officer of any or either of the ecclesiastical courts in England or Wales, except the Prerogative Court of Canterbury, should become vacant during one year after the passing of this Act, or if Parliament should be then sitting, till the end of the session of Parliament, the person there-  
 10 unto appointed should accept and take such office, subject to all regulations and alterations affecting the same which might thereafter be made and provided by or under the authority of Parliament; and it was further provided that no person by his appointment to any such office should acquire any vested interest in such office, or any  
 15 claim or title to compensation in respect thereof in case the same should be thereafter abolished by Parliament:

6 & 7 W. 4.  
c. 77. ss. 20,  
25.

And whereas the above-recited provisions were by subsequent Acts continued in force until the thirty-first day of December one thousand eight hundred and forty-seven:

20 And whereas by an Act of the seventh and eighth year of the reign of Her Majesty, chapter sixty-eight, it is provided that the registrar of every court exercising ecclesiastical jurisdiction, and the registrar of every vicar-general or diocese, shall, on or before the twentieth day of January in every year, transmit to one of Her  
 25 Majesty's Principal Secretaries of State a true account in writing of the gross and net amounts of all such fees, allowances, gratuities, perquisites, and emoluments respectively as shall have been received or become due in the year ending the fifth day of January in such year, on account of the judge of such court or vicar-general or on

7 & 8 Vict.  
c. 68. s. 2.

[Bill 130.]

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## B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Reform certain Ecclesiastical Offices, and to regulate Ecclesi-  
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c. 77. ss. 20,  
25.  
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it might be expedient to consider the state and jurisdiction of all  
the ecclesiastical courts in England and Wales; and it was provided  
5 that in case the office of judge, registrar, or other officer of any or  
either of the ecclesiastical courts in England or Wales, except the  
Prerogative Court of Canterbury, should become vacant during one  
year after the passing of this Act, or if Parliament should be then  
sitting, till the end of the session of Parliament, the person there-  
10 unto appointed should accept and take such office, subject to all  
regulations and alterations affecting the same which might there-  
after be made and provided by or under the authority of Parliament;  
and it was further provided that no person by his appointment to any  
such office should acquire any vested interest in such office, or any  
15 claim or title to compensation in respect thereof in case the same  
should be thereafter abolished by Parliament:

And whereas the above-recited provisions were by subsequent  
Acts continued in force until the thirty-first day of December one  
thousand eight hundred and forty-seven:

20 And whereas by an Act of the seventh and eighth year of the 7 & 8 Vict.  
c. 68. s. 2.  
reign of Her Majesty, chapter sixty-eight, it is provided that the  
registrar of every court exercising ecclesiastical jurisdiction, and the  
registrar of every vicar-general or diocese, shall, on or before the  
twentieth day of January in every year, transmit to one of Her  
25 Majesty's Principal Secretaries of State a true account in writing of  
the gross and net amounts of all such fees, allowances, gratuities,  
perquisites, and emoluments respectively as shall have been received  
or become due in the year ending the fifth day of January in such  
year, on account of the judge of such court or vicar-general or on

[Bill 130.]

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A.D. 1877. account of such registrar or (except of surrogates) of any other officer, clerk, or minister of such court, or registry by virtue of his office or employment :

10 & 11 Vict.  
c. 98. s. 9. And whereas by an Act of the tenth and eleventh year of the reign of Her Majesty, chapter ninety-eight, it is provided that every 5 person appointed after the passing of the above-recited Act of the sixth and seventh year of King William the Fourth, chapter seventy-seven, except as is in the said above-recited Act of the sixth and seventh year of King William the Fourth excepted, or who should be appointed after the passing of the said Act of the 10 tenth and eleventh year of the reign of Her Majesty, to the office of judge, registrar, or other officer of any ecclesiastical court in England, shall hold the same subject to all regulations and alterations affecting the same which might thereafter be made by authority of Parliament, and it is further provided that no 15 person by his appointment to any such office shall acquire any claim or title to compensation in case the same should be thereafter altered or abolished by Act of Parliament :

20 & 21 Vict.  
c. 77. ss. 3,  
103. And whereas the Prerogative Court of Canterbury and the offices attached thereto were abolished by "The Court of Probate Act, 20 1857," and the holders of such offices were compensated in the manner provided in the said Act :

38 & 39 Vict.  
c. 76. ss. 2,  
3, 4. And whereas the above-recited provisions of the said Act of the seventh and eighth year of the reign of Her Majesty, chapter sixty-eight, and of the said Act of the tenth and eleventh year of 25 the reign of Her Majesty, chapter ninety-eight, were extended by "The Ecclesiastical Fees Act, 1875," in the manner provided in sections two, three, and four of the said last-mentioned Act :

And whereas it is expedient to consolidate certain ecclesiastical offices, and to subject the offices so consolidated to certain regula- 30 tions and alterations, and to regulate and reduce ecclesiastical fees :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by and with the authority of the same, as follows :

35

## PART I.

### *Preliminary.*

Short title. 1. This Act may be cited for all purposes as "The Ecclesiastical Offices and Fees Act, 1877."

Commence-  
ment of Act. 2. This Act shall, except where expressly herein-after provided, 40 commence and come into operation *on the first day of July one*

*thousand eight hundred and seventy-eight*, which day is in this Act A.D. 1877.  
herein-after referred to as the commencement of this Act.

3. This Act shall extend only to that part of the United Kingdom  
called England and Wales. Extent of  
Act.

5

## PART II.

*Transfer of Property and Consolidation of certain Ecclesiastical  
Offices.*

4. From and after the passing of this Act all property, real and Transfer of  
property.  
personal, at the date of such passing belonging to any person in  
10 his official capacity as holding any of the following offices :

The offices mentioned in the first column of Schedule (A.) to this  
Act ;

The offices mentioned in the second column of Schedule (A.) to  
this Act ;

15 shall vest in the Ecclesiastical Commissioners for England, subject  
to all tenancies, charges, incumbrances, rights, or liabilities affecting  
the same ; and such property shall be held or disposed of by the said  
Commissioners in the manner prescribed by the rules and orders.

The proceeds of the sale of any property disposed of under this  
20 section shall, after deducting the expenses of such sale, be invested  
or otherwise applied by the said Commissioners in the manner pre-  
scribed by the rules and orders, and may be invested in the purchase  
of land, and the said Commissioners may hold such land without  
any license in mortmain.

25 5. From and after the passing of this Act no person shall be  
appointed separately to any of the offices mentioned in the first  
column of Schedule (A.) to this Act. Consolida-  
tion of  
certain  
offices.

Every such office, on the passing of this Act, if such office be  
then vacant, or if such office be not then vacant, then on the  
30 first avoidance thereof after the passing of this Act, shall be con-  
solidated with the office which is in the second column of the said  
Schedule set opposite to such first-mentioned office.

Nothing contained in this section shall be construed to restrain  
any archbishop or bishop from appointing a commissary for any  
35 purpose mentioned in the instrument of appointment, in the exer-  
cise of any power which would have been possessed by such arch-  
bishop or bishop if this Act had not passed. Such appointment  
of a commissary may be made for a period not exceeding one year,

[130.]

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A.D. 1877. and may be renewed in favour of the person theretofore holding such appointment or of any other duly qualified person.

Transfer  
of jurisdic-  
tion.

6. On the consolidation of any of the offices mentioned in the first column of Schedule (A.) to this Act any jurisdiction which was vested in or could be exercised by the person last holding such office before the consolidation thereof shall thenceforward be vested in and exercised by the holder of the office with which such first-mentioned office is consolidated under this Act.

Saving of  
rights of  
archdeacons.

7. Nothing contained in this Act shall be construed to prevent any archdeacon from holding his usual and accustomed visitation courts and visitations, whether general or parochial, or from giving all lawful directions at or in relation to such visitation courts and visitations, or from presiding at any court or synod for the election of a proctor in convocation, at which such archdeacon has been accustomed to preside, or from exercising any authority in his archdeaconry which he might at the passing of this Act exercise personally; and nothing contained in this Act shall be construed to prevent any archdeacon from exercising the power of suspending and depriving church clerks, chapel clerks, and parish clerks, not being respectively in holy orders, given to archdeacons by an Act of the seventh and eighth year of the reign of Her Majesty, chapter fifty-nine, section five.

### PART III.

#### *Judges and other Officers of the Ecclesiastical Courts.*

Vicar-  
general of  
the province  
of Canter-  
bury.

8. From and after the passing of this Act no person shall be appointed to the office of vicar-general and official principal of the Archbishop and province of Canterbury who is not or has not been a barrister-at-law of not less than *ten years standing*, and who is not learned in the ecclesiastical law.

Vicar-  
general of  
the province  
of York.

9. From and after the passing of this Act no person shall be appointed to the office of vicar-general of the Archbishop and province of York who is not or has not been a barrister-at-law of not less than *ten years standing*, and who is not learned in the ecclesiastical law.

Registrar of  
the province  
of Canter-  
bury.

10. From and after the passing of this Act, the Archbishop of Canterbury shall, on any vacancy in the office of registrar of the province of Canterbury, appoint by a writing under his hand and archiepiscopal seal a barrister-at-law or a solicitor to be, during good behaviour, the registrar of the said province.

11. From and after the passing of this Act, the Archbishop of York shall, on any vacancy in the office of registrar of the province of York, appoint by a writing under his hand and archiepiscopal seal a barrister-at-law or a solicitor to be, during good behaviour, the registrar of the said province.

A.D. 1877.

Registrar of the province of York.

12. From and after the passing of this Act no person shall be appointed to the office of chancellor of a diocese, by whatever name the holder of such office may be styled in the instrument of his appointment, who is not learned in the ecclesiastical law. Every person appointed after the passing of this Act to the office of chancellor of a diocese shall, by virtue of such appointment, become vicar-general of the bishop of such diocese and official principal or judge of the Consistorial Court of such diocese, and the said offices of vicar-general and official principal shall thenceforward be united to the office of chancellor of such diocese.

Chancellor of the diocese.

13. From and after the passing of this Act the bishop of every diocese shall, on any vacancy in the office of registrar of his diocese, appoint by a writing under his hand and episcopal seal a barrister-at-law or a solicitor to be, during good behaviour, registrar of such diocese.

Registrar of the diocese.

For the purposes of this Act, the Gloucester jurisdiction of the diocese of Gloucester and Bristol, and the Bristol jurisdiction of the said diocese, shall be deemed to be separate dioceses.

Bishop's secretary.

14. From and after the passing of this Act the registrar of every province or diocese shall perform the duties of the secretary of the archbishop or bishop of such province or diocese respectively, unless such archbishop or bishop shall think fit to appoint by a writing under his hand a secretary who shall hold such office during the pleasure of the said archbishop or bishop: Provided, nevertheless, that such secretary shall not be entitled to receive any salary from the Ecclesiastical Fees Fund created by this Act.

If a secretary shall be appointed as aforesaid, the duties which would have been performed by the registrar of the province or diocese of such archbishop or bishop if no such appointment to the office of secretary had been made shall be apportioned between such registrar and secretary, in such manner as the said archbishop or bishop may by a writing under his hand from time to time direct.

15. Every registrar of a province or diocese appointed after the passing of this Act may be removed by the person having the right of appointment to the office held by such registrar, with the approval

Removal of registrar.

A.D. 1877. of the Lord Chancellor, for reasons to be assigned in the order of removal.

Apparitors. **16.** From and after the passing of this Act every archbishop and bishop shall, on any vacancy in the office of apparitor of the province or diocese of such archbishop or bishop, appoint by a writing under his hand a fit person to be, during the pleasure of such archbishop or bishop, the apparitor of such province or diocese.

Nothing contained in this section shall be construed to permit the appointment of more than one apparitor of each province or diocese, or to permit the appointment of an apparitor of the dioceses of Canterbury or York, in addition to the apparitors of the provinces of Canterbury and York.

Rights and duties of officers.

**17.** Every person appointed after the passing of this Act to any of the offices mentioned in the second column of Schedule (A.) to this Act shall enjoy all the rights and privileges enjoyed by the holder of such office or of any office comprehended therein at the passing of this Act, so far as the same be not altered by this Act or by the rules and orders, and every such person so appointed as aforesaid to any of the said offices shall perform all duties required to be performed by the holder of such office at the passing of this Act, so far as the same be not altered by this Act or by the rules and orders, and shall also perform such additional duties as may be prescribed by this Act or by the rules and orders in consequence of the consolidation of offices or otherwise.

Appointment of deputies.

**18.** A person duly qualified to be appointed to the offices of official principal of the Arches Court of Canterbury, official principal or auditor of the Chancery Court of York, and master of the faculties to the Archbishop of Canterbury (the holder of which offices in this Act is called the provincial judge), may be appointed by the Archbishops of Canterbury and York to be the deputy of such judge, subject to the approval of Her Majesty to be signified under Her Sign Manual.

A person duly qualified to be appointed to the office of vicar-general of a province, chancellor of a diocese, or registrar of a province or diocese, or secretary of an archbishop or bishop, may be appointed to be the deputy of any such vicar-general, chancellor, registrar, or secretary respectively by the archbishop or bishop who would have the right of appointing to such office, in case the same were vacant.

Conditions of appointment of deputies.

**19.** No deputy shall be appointed under the last preceding section to any officer appointed after the passing of this Act unless such officer is unable, from illness or other unavoidable cause, to discharge

his duties, and unless the period for which such appointment is made and the reasons for such appointment are stated in the instrument of appointment. The acts of such deputy shall be considered to all intents and purposes the acts of the officer to whom he is appointed  
5 deputy.

A.D. 1877.

20. Every person appointed, after the passing of this Act, to the office of provincial judge, vicar-general of a province, chancellor of a diocese, or registrar of a province or diocese, or to be the deputy of such judge, vicar-general, chancellor, or registrar, shall,  
10 before entering upon his office, sign the declaration contained in Schedule (B.) to this Act, in lieu of any declaration which such person might have been required to make before entering upon his office, if this Act had not passed.

Declaration of office.

21. The provincial judge may, after the passing of this Act, appoint a clerk to hold office during the pleasure of the said judge.  
15

Judge's clerk.

22. No surrogate shall be appointed after the passing of this Act, except by the master of the faculties to the Archbishop of Canterbury, and by the vicar-general and official principal of the Archbishop and province of Canterbury, and by the vicar-general of  
20 the Archbishop and province of York, and by the chancellor of a diocese, or by any of such persons.

Surrogates.

Any surrogate appointed after the passing of this Act shall continue to hold office notwithstanding the death, resignation, or removal from office of the person from whom he holds his appointment, until a new appointment shall be made by the person  
25 having authority to make the same.

Any surrogate, whether appointed before or after the passing of this Act, shall perform such acts as have been customarily performed by the surrogate on behalf and at the request of the person  
30 by whom he was appointed, or of the successor of such person, as may be prescribed by the rules and orders.

23. All appointments made after the second day of March one thousand eight hundred and seventy-six to any of the offices mentioned in the second column of Schedule A. to this Act shall, for  
35 the purposes of this Act, be deemed to have been made after the passing of this Act.

Provisions as to appointments made after 2nd March 1876.

24. From and after the passing of this Act all appointments made contrary to the provisions of this Act shall be to all intents and purposes void.

Appointments contrary to Act void.

A.D. 1877.

## PART IV.

*Payment of Fees.*

Payment of fees.

**25.** From and after the commencement of this Act all fees payable under the rules and orders shall, unless otherwise directed by the rules and orders, be taken by means of stamps under such regulations as may be prescribed by the rules and orders, and if not taken by stamps, shall be taken, accounted for, and paid over in such manner as may be directed by the rules and orders. 5

Ecclesiastical Commissioners to give directions for carrying rules, &c. into effect, &c.

**26.** The Ecclesiastical Commissioners for England, upon the receipt of any rules and orders settling the fees to be paid under this Act, or prescribing the regulations under which stamps are to be used, shall give directions for carrying such rules and orders into effect, and shall defray the expenses to be incurred by the Commissioners of Inland Revenue, who shall provide the stamps and dies required under this Act. 10 15

Sale of stamps.

**27.** The sale of stamps made under this Act shall be made through the registrars of the provinces and dioceses, who shall make such returns in reference to the stamps sold by them as may be prescribed by the rules and orders.

Allowance for spoiled stamps.

**28.** The Ecclesiastical Commissioners for England may, from time to time, make such regulations as they shall think fit for the allowance of such stamps issued under this Act as may have been inadvertently spoiled, or for which the owner may have no immediate use, or which through mistake or inadvertence may have been improperly or unnecessarily used; and such allowance shall be made, either by giving other stamps in lieu of the stamps so allowed, or by repaying the money paid for such stamps to the owner or holder thereof. 20 25

No document to be received or used unless stamped.

**29.** No document which by the rules and orders shall be required to be stamped shall be received, filed, used, or admitted in evidence, unless and until it is properly stamped within the time prescribed by the rules and orders regulating the use of stamps; but if any such document is through mistake or inadvertence received, filed, used, or admitted in evidence, without being properly stamped, the judge of the court, in which court, or in the registry of which court such document has been received, filed, used, or admitted in evidence, may, if he shall think fit, order that such document shall be stamped as in such order may be directed; and, on such document being stamped accordingly, the same and every proceeding in reference thereto shall be valid as if such document had been properly stamped in the first instance. 30 35 40

30. Any person who forges or counterfeits any stamp issued under this Act, or uses any forged or counterfeit stamp, knowing the same to be forged or counterfeit, or who uses any stamp issued under this Act knowing the same to have been previously  
 5 cancelled or used, shall be guilty of forgery, and shall be liable, on conviction, to penal servitude for a term not exceeding seven years, or to imprisonment with or without hard labour for a term not exceeding two years.

A.D. 1877.

Penalty for forging stamps.

## PART V.

10

*Ecclesiastical Fees Fund.*

31. All fees payable under this Act, except surrogates fees for marriage licences, shall be received by the Ecclesiastical Commissioners for England, and shall be placed by them to the credit of a fund to be called the Ecclesiastical Fees Fund.
- 15 The said Commissioners shall also place to the credit of the said fund the rents and profits of property vested in them under this Act, and the income of investments made by them under this Act.

Ecclesiastical Fees Fund.

32. The Ecclesiastical Commissioners for England shall pay out of the Ecclesiastical Fees Fund such sums for the necessary expenses  
 20 incurred by the said Commissioners in carrying into effect the provisions of this Act as may from year to year be prescribed by the rules and orders.

Payments out of fund.

- The said Commissioners shall also pay out of the Ecclesiastical Fees Fund all salaries and payments directed to be paid to any  
 25 person under this Act, except where otherwise expressly provided.

The balance (if any) standing to the credit of the Ecclesiastical Fees Fund at the end of any year shall be carried forward to the credit of the said fund in the year following.

33. The accounts of the receipts and disbursements of the  
 30 persons directed to take fees under this Act shall be audited by an auditor appointed by the Ecclesiastical Commissioners for England.

Audit of accounts.

34. The Ecclesiastical Commissioners for England shall prepare a statement of the receipts and disbursements of the Ecclesiastical  
 35 Fees Fund up to the first day of January in every year, which statement shall be audited by the auditor of the accounts of the said Commissioners, and shall be laid before each House of Parliament on or before the thirty-first day of March following, if Parliament be then sitting, or if not, within ten days after the first  
 40 meeting of Parliament next after the said thirty-first day of March.

Statement of fund to be prepared.



A.D. 1877.

## PART VI.

*Remuneration of Judges and other Officers of the Ecclesiastical Courts.*

Salaries of provincial and diocesan officers, &amp;c.

**35.** From and after the commencement of this Act there shall be paid to the persons appointed after the passing of this Act to any of the offices mentioned in Schedule (C.) to this Act salaries not exceeding in amount the sums set opposite to the respective titles of the said offices in the said schedule. 5

Provisions as to the salary of the provincial judge.

**36.** In the event of any provincial judge appointed after the passing of this Act being in receipt of a pension, compensation, or allowance, on account of his having held any judicial office, the salary to be paid to such judge under this Act shall not exceed such sum as will, together with the said pension, compensation, or superannuation allowance, amount to four thousand five hundred pounds per annum. 10 15

The salaries to be paid to the chancellors of dioceses and to the registrars of dioceses and to the apparitors of dioceses shall not exceed in their aggregate amount the sums set opposite to the respective titles of the said offices in the said schedule: Provided, that in the event of an increase in the number of dioceses Her Majesty may from time to time, by Order in Council, make such addition to the aggregate amounts of the sums named in Schedule (C.) to this Act as may secure adequate remuneration to the offices of such dioceses. 20

Date of payment of salaries.

**37.** All salaries directed to be paid to any person under this Act shall grow due from day to day, and shall be paid half-yearly on the thirty-first day of January and the thirty-first day of July in each year. 25

Remuneration of deputies.

**38.** There shall be paid to any person appointed under this Act to be the deputy of any officer appointed after the passing of this Act such sums as may be prescribed in the instrument of appointment; and such payments shall be deducted out of the salary of the officer to whom such person is appointed deputy. 30

Remuneration of surrogates.

**39.** It shall be lawful for surrogates to receive for their own use such fees for marriage licenses granted through them as shall be prescribed by the rules and orders. 35

There shall be paid to any surrogate performing any act such sums as may be prescribed by the rules and orders, and such payments shall be deducted out of the salary of the person on whose behalf such surrogate performs such act. 40

No fees to be received by officers.

**40.** The registrars and other officers appointed after the passing of this Act shall pay out of the salaries or other sums of money

received by them under this Act all such expenses and disbursements as may be prescribed by the rules and orders, and shall discharge such duties and prepare such documents as they may be directed to discharge or prepare by the rules and orders,  
 5 without any fee or other pecuniary remuneration whatsoever, except the salaries or other sums of money to which they are entitled under this Act, and except such a sum (if any) as may be allowed by the rules and orders in respect of the cost of any material on which a stamp is impressed, if such material be  
 10 supplied by such persons, and in respect of the cost of the postage of any document.

A.D. 1877.

41. From and after the commencement of this Act there shall be paid to every archdeacon such an annual sum as the Ecclesiastical Commissioners for England may deem to be an equivalent  
 15 for such of the fees paid into the Ecclesiastical Fees Fund under this Act as would if this Act had not passed have been paid to such archdeacon.

Payments to archdeacons out of Ecclesiastical Fees Fund.

42. In every year in which the income received by any archdeacon from any emoluments or endowments in respect of his  
 20 office, together with the payment (if any) which before the passing of this Act was agreed to be made to such archdeacon or to any predecessor of such archdeacon by the Ecclesiastical Commissioners for England out of their common fund, under the provisions of an Act of the third and fourth year of the reign of  
 25 Her Majesty, chapter one hundred and thirteen, section thirty-four, shall not amount to the sum of two hundred pounds, the said Commissioners shall from and after the commencement of this Act pay out of their common fund to such archdeacon a sum equal to the difference between the amount of the income received by  
 30 him as aforesaid and the sum of two hundred pounds.

Payments to archdeacons by Ecclesiastical Commissioners. Amendment of 3 & 4 Vict. c. 113. s. 34.

The payment of any sum to an archdeacon under this section shall be subject to the same conditions as to the residence of such archdeacon as are prescribed by the above-mentioned section of the said Act of the third and fourth year of the reign of Her Majesty,  
 35 in reference to payments made under the said section.

## PART VII.

### *Miscellaneous Provisions.*

43. Her Majesty may at any time after the passing of this Act, by Order in Council, made upon the recommendation of the Archbishop of Canterbury, the Lord High Chancellor, the Archbishop of

Rules and orders.

[130.]

B 2

A.D. 1877. — York, the Provincial Judge, the vicar general and official principal of the Archbishop and province of Canterbury, the vicar general of the Archbishop and province of York, one chancellor of a diocese within the province of Canterbury, one chancellor of a diocese within the province of York, one archdeacon of an archdeaconry 5 within the province of Canterbury, one archdeacon of an archdeaconry within the province of York, one rural dean of a rural deanery within the province of Canterbury, one rural dean of a rural deanery within the province of York, or any five of the said persons, one of them being the Lord High Chancellor, make rules 10 and orders (in this Act called the rules and orders) for carrying this Act into effect, and in particular for all or any of the following matters, so far as the same may not be expressly regulated by this Act; (that is to say,)

- (1.) For prescribing the duties to be performed by any registrar 15 or other officer in respect of any office or employment for which he receives a salary or other sum of money under this Act :
- (2.) For ensuring the proper custody within any province of the records and other documents and papers placed in 20 the custody of the registrar of such province, and for ensuring the proper custody within any diocese of the records and other documents and papers placed in the custody of the registrar of such diocese :
- (3.) For prescribing the number, form, and character of the 25 documents to be prepared or transmitted by the registrars of provinces or dioceses, except articles of inquiry at visitations, and for directing the manner of such transmission :
- (4.) For settling from time to time the fees to be taken from any person for any matter or thing for which fees or other 30 pecuniary remuneration could at the passing of this Act be taken under any lawful custom or any statute by or on behalf of any of the following persons :
  - Archdeacons of archdeaconries ;
  - Persons exercising any peculiar ecclesiastical jurisdiction 35 (other than the deans or the deans and chapters of cathedral or collegiate churches) ;
  - Persons holding any of the offices mentioned in the first column of Schedule (A.) to this Act ;
  - Persons holding any of the offices mentioned in the 40 second column of Schedule (A.) to this Act :
  - Persons holding any of the offices mentioned in Schedule (C.) to this Act :

A.D. 1877.  

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- 5 (5.) For settling from time to time the fees to be taken on behalf  
of the Ecclesiastical Fees Fund from any archbishop or  
bishop at the confirmation of the election or at the conse-  
cration of such archbishop or bishop, or at the nomination  
or presentment of any person by Her Majesty in lieu of  
such election, and from any person required by this Act  
to sign the declaration contained in Schedule (B.) to this  
Act, at the appointment of such person, or on any pro-  
ceedings under the Bishop's Resignation Act, 1869, or on  
10 any of such occasions :
- 15 (6.) For prescribing the regulations under which stamps are to  
be used under this Act, and particularly for prescribing the  
application thereof to documents from time to time in use  
or required to be used for the purposes of such stamps,  
and for insuring the proper cancelling of stamps, and for  
keeping accounts of such stamps, and for prescribing the  
manner in which such fees as shall not be taken by  
stamps shall be taken, accounted for, and paid over :
- 20 (7.) For fixing the salary or other sum of money to be paid  
to any person under this Act, regard being had to the  
nature and extent of the duties performed by such person,  
and to the funds available for the remuneration thereof :

And Her Majesty may from time to time, in like manner, alter or  
amend such rules and orders, without prejudice to anything done  
25 or suffered under such rules and orders.

All rules and orders shall be laid before each House of Parliament  
within *thirty days* after the same are made, if Parliament is then  
sitting, or if not, within *thirty days* after the then next meeting of  
Parliament ; and if an address is presented to Her Majesty by either  
30 of the said Houses within the next subsequent forty days on which  
the House shall have sat, praying that any such rules and orders  
may be annulled, Her Majesty may thereupon, by Order in Council,  
annul the same, and the rules and orders so annulled shall thence-  
forth become void, without prejudice to anything done or suffered  
35 under such rules and orders.

In the settlement of any fees from time to time under this Act,  
regard shall be had to the balance which may have accrued to the  
Ecclesiastical Fees Fund, with a view to the reduction of such fees.

The persons directed by this Act to recommend rules and orders  
40 to Her Majesty shall be nominated by Her Majesty under Her Sign  
Manual, and shall form a council, which shall be called the Eccle-  
siastical Fees Council.

A.D. 1877.

Provisions as  
to fees for  
institutions,  
&c.1 & 2 Vict.  
c. 106.

**44.** From and after the commencement of this Act no fees shall be taken for any instrument of donation, presentation, nomination, collation, institution, induction, or licence, or any other instrument, matter, or thing connected with the admission of any spiritual person to any benefice (as defined in an Act of the first and second year of the reign of Her Majesty, chapter one hundred and six), the net yearly value of which does not exceed the sum of two hundred pounds; and the value of benefices shall, for the purpose of this section, be ascertained and determined by the certificate of the Ecclesiastical Commissioners for England.

5  
10Church-  
wardens.

**45.** From and after the commencement of this Act no churchwarden shall be admitted to office unless he produce a certificate of his appointment, signed by the chairman of the vestry at which such churchwarden was appointed, or by the person in whom such appointment is vested.

15

Any person duly elected churchwarden, or duly nominated or appointed churchwarden, may, if he think fit, in the presence of the incumbent of the parish or of the rural dean, sign the following declaration: 'I, *A. B.*, do sincerely declare that I will faithfully and diligently perform the duties of the office of churchwarden for the parish of \_\_\_\_\_ to the best of my ability, according to law.' The registrar of the diocese within which such parish is situate shall issue forms of declaration on the application of the incumbent or of a churchwarden, and shall register the name of each person so signing the same, upon receiving the same duly signed and attested by the incumbent or rural dean before whom the declaration was made, without any payment whatsoever; and every declaration so made and registered shall be as valid and effectual in law as if it had been in the manner prescribed by the Act of the fifth and sixth of King William the Fourth, chapter sixty-two, section nine.

20

25

30

From and after the commencement of this Act no fee shall be paid at his admission to office or at any visitation by any churchwarden.

Nothing contained in this section shall be construed to exempt any churchwarden from any duty which may now be imposed upon him to attend visitations and to be admitted to office and to make presentments and answers to articles of inquiry thereat. The expression "churchwarden" in this section shall be construed to include "sidesman."

35  
40Deputies of  
archdeacons.

**46.** From and after the passing of this Act, it shall be lawful for any archdeacon, if he should think fit, to appoint during pleasure

a person to be his deputy in the discharge of any duties of his office which could have been discharged by the official or surrogate of such archdeacon if this Act had not passed, except in so far as such duties may be altered or abolished by this Act. Every  
 5 person so appointed deputy must be a person who would have been qualified to be appointed the official or surrogate of such archdeacon if this Act had not passed. The lawful acts of such deputy shall be considered to all intents and purposes the acts of the archdeacon by whom he is appointed deputy.

A.D. 1877.

10

## PART VIII.

*Temporary Provisions.**Offices.*

47. Every person holding at the passing of this Act any of the offices mentioned in the first column of Schedule (A.) to this Act,  
 15 and every person holding at the passing of this Act any of the offices mentioned in the second column of the said Schedule, shall, notwithstanding anything to the contrary contained in this Act, continue to hold such office, subject to the same conditions as to tenure of office and as to the power of appointing a deputy as were attached  
 20 thereto before the passing of this Act, and shall, in addition to or in substitution for any of the duties now performed by him or by his lawfully appointed deputy in respect of such office, so far as the same be not altered by this Act or by the rules and orders, be liable to perform, by himself or by his lawfully appointed deputy,  
 25 any other duties which may be prescribed by this Act and any other duties which may be prescribed by the rules and orders; provided that such last-mentioned duties be analogous to the duties which such person has hitherto performed.

Existing officers to perform duties of offices.

48. On the consolidation of any of the offices mentioned  
 30 in the first column of Schedule (A.) to this Act, temporary provision for the discharge of any duties theretofore attached to such office may be made until the first vacancy after the passing of this Act in the office with which it may have been directed by this Act that such first-mentioned office should be  
 35 thereafter consolidated, so far as such duties be not altered by this Act or by the rules and orders; and the archbishop or bishop who would on any vacancy therein appoint to the office with which the said first-mentioned office may be directed to be consolidated as aforesaid shall determine if such temporary provision be expedient,

Provisions pending vacancy in certain offices.

[130.]

B 4

A.D. 1877. — and shall from time to time make the appointments necessary for carrying this section into effect.

When office of registrar is to be deemed vacant.

49. When the office of registrar of any Ecclesiastical Court is at the passing of this Act held in possession or reversion by more than one person, such office shall be deemed to be vacant for the purposes of this Act, on the death, resignation, or removal from office of the survivor of such persons. 5

Certain persons may be appointed registrars, &c.

50. Any person who has before *the first day of January one thousand eight hundred and seventy-seven* been admitted as a proctor of any ecclesiastical court in England shall be qualified to be appointed to be the registrar or one of the registrars of a province or diocese, notwithstanding anything to the contrary contained in this Act. 10

Any person who has held the office and performed the duties of deputy-registrar of a province or diocese, either solely or in conjunction with one or more person or persons, for the *seven years next before the passing of this Act*, shall be qualified to be appointed to be the registrar or one of the registrars of such province or diocese, notwithstanding anything to the contrary contained in this Act. 15 20

Any person who has held the office and performed the duties of secretary of any archbishop or bishop, either solely or in conjunction with one or more person or persons, for the *seven years next before the passing of this Act*, shall be qualified to be appointed to be the registrar or one of the registrars of the province or diocese, notwithstanding anything to the contrary contained in this Act. 25

Transfer of records.

51. Within *one year* after the avoidance of the office of registrar of any commissary, archdeaconry, or peculiar ecclesiastical jurisdiction, the records and other documents and papers preserved in the registry of such commissary, archdeaconry, or peculiar ecclesiastical jurisdiction shall be transferred to the registry of the diocese in which the jurisdiction of such commissary has been exercised, or in which such archdeaconry or peculiar ecclesiastical jurisdiction is locally situate, unless it shall be directed by the rules and orders that the date of such transfer shall be postponed; and the cost of such transfer shall be fixed by the rules and orders, and shall be paid out of the Ecclesiastical Fees Fund. 30 35

Until such transfer regulations may be made by the rules and orders for ensuring the proper custody of such records and other documents and papers. 40

Any records and other documents and papers which relate wholly to a diocese, but which from a change of the boundaries of any

diocese or otherwise have remained in the custody of the registrar of a diocese or of any officer of a diocese or of an archdeaconry within a diocese, other than the diocese to which they relate, shall on application in writing by the bishop of the diocese to which they relate, be transferred to the custody of the registrar of such last-mentioned diocese. A.D. 1877.

Nothing contained in this section shall be construed to extend to the records and other documents or papers in the custody of the dean or of the dean and chapter of any cathedral or collegiate church.

52. The archbishop or bishop of any province or diocese, and the dean and chapter of any cathedral church within any province or diocese, and the Ecclesiastical Commissioners for England, or any of such persons, may, if they think fit, grant or appropriate for the purposes of the registry of such province or diocese any portion of the land or buildings vested in them; and such grant or appropriation may be made free of rent or other charges, or upon such other terms as the said archbishop or bishop, or the said dean and chapter, or the said Commissioners respectively, may determine. Provisions as to registry buildings.

The said Commissioners shall pay out of the Ecclesiastical Fees Fund such a sum for each province or diocese as may be prescribed by the rules and orders, for providing by purchase, or otherwise, or for fitting up a registry office for such province or diocese, provided that such sum shall in no case exceed five hundred pounds.

No payment of money shall be made under this section unless the registry office for which such payment is made be vested in the archbishop or bishop of the province or diocese, or in the dean and chapter of the cathedral church, or in the said Commissioners.

### 30 *Remuneration of Officers.*

53. There shall be paid to the provincial judge holding office at the passing of this Act, so long as he shall hold the said office of judge, and at such times as may be fixed by the rules and orders, such sums as shall, with any emoluments received by him as such judge, amount to the sum of one thousand pounds per annum, dating from the *first day of July one thousand eight hundred and seventy-seven*. Payment to the existing provincial judge.

54. Every person exercising at the passing of this Act any peculiar ecclesiastical jurisdiction other than the dean or the dean and chapter of any cathedral or collegiate church, and every person holding at the passing of this Act any of the offices mentioned in Salaries of existing holders of certain offices.



A.D. 1877. the first column of Schedule (A.) to this Act, and every person holding at the passing of this Act any of the offices mentioned in the second column of the said Schedule, and every person holding at the passing of this Act any of the offices mentioned in Schedule (C.) to this Act shall, from and after the commencement of this Act, receive annually during his tenure of office, in lieu of all fees or of any other pecuniary remuneration theretofore received by him in respect of such office, such a salary as may be prescribed by the rules and orders. 5

The amount of such salary, except as herein-after otherwise provided, shall, from time to time, be so fixed as to bear, as nearly as may be, the same proportion to the total annual amount of the Ecclesiastical Fees Fund as the amount of fees or any other pecuniary remuneration annually received before the passing of this Act by the holder of such office for the time being in respect of such office bore to the total amount of the fees and other pecuniary remuneration annually received by all the holders of such offices in respect of such offices, calculated on the average gross receipts of the three years next before the *first day of January one thousand eight hundred and seventy-seven.* 10 15 20

The amount of such average gross receipts shall be determined by the Ecclesiastical Commissioners for England, and the said Commissioners shall be entitled to call for any documents or evidence which they may consider necessary in order to enable them to ascertain the amount of such average gross receipts, and their determination thereon shall be final. 25

If the holder of any office shall fail to supply such documents or evidence within one month of his being required to supply such documents or evidence, the said Commissioners shall be at liberty to determine the amount of such average gross receipts without reference to such documents or evidence. 30

In determining the amount of the salary to be paid to any person under this section, regard may be had to any alteration heretofore from time to time caused by episcopal visitations in the relative amount of the fees and other pecuniary remuneration due to the persons holding offices in the diocese in which such first-mentioned person holds office. 35

If the boundaries of any province, diocese, or archdeaconry shall have been altered after the thirty-first day of December one thousand eight hundred and seventy-five, or shall be altered after the passing of this Act, the amount of the salary to be received under this section by any person whose office is affected by such alteration 40

shall, from time to time, be determined by the rules and orders, A.D. 1877.  
 regard being had to any increase in or diminution of the duties of  
 such office resulting from such alteration.

Before estimating the total annual amount of the Ecclesiastical  
 5 Fees Fund for the purposes of this section, there shall be deducted  
 therefrom—

- (1.) Any balance brought forward from the preceding year ;
- (2.) The payments directed by this Act to be made out of the  
 Ecclesiastical Fees Fund to any archdeacon.

10 Persons receiving salaries under this section shall pay thereout  
 such remuneration as they may think fit to the deputies appointed  
 by them.

55. If any person holding any of the offices mentioned in  
 the first column of Schedule (A.) to this Act, or if any person  
 15 holding any of the offices mentioned in the second column of the  
 said Schedule, shall have been appointed to such office before the  
 passing of the above-recited Act of the sixth and seventh year of  
 King William the Fourth, chapter seventy-seven, there shall be  
 paid to such person, in addition to the salary paid to him under this  
 20 Act, such an annual sum, to be prescribed by the rules and orders,  
 as may be a just and reasonable compensation to him for any  
 loss of emoluments which he may sustain under this Act.

Compensa-  
 tion to per-  
 sons ap-  
 pointed be-  
 fore 13th  
 August 1836.

56. There shall be paid to any person who has sustained any  
 pecuniary loss in consequence of the vesting of any property in the  
 25 Ecclesiastical Commissioners for England under this Act, such an  
 annual sum to be prescribed by the rules and orders as may be a  
 just and reasonable compensation to him for such loss.

Compensa-  
 tion to  
 officers whose  
 property is  
 transferred.

57. The vesting of any property in the Ecclesiastical Commis-  
 sioners for England under this Act shall not extend to any premises  
 30 so long as they shall be held in virtue of their office by persons  
 appointed before the passing of this Act.

Provisions as  
 to vesting of  
 property.

58. There shall be paid to any person holding at the passing of  
 this Act any of the offices mentioned in the first column of  
 Schedule (A.) to this Act, and to any person holding at the passing  
 35 of this Act any of the offices mentioned in the second column of  
 the said Schedule, in addition to the salary paid to him under this  
 Act, such an annual sum to be prescribed by the rules and orders  
 as may appear a just and reasonable remuneration for any additional  
 duties performed by such person under this Act.

Additional  
 payments to  
 certain  
 officers.

40 59. The Ecclesiastical Commissioners for England shall, from  
 time to time, advance from their common fund to the Ecclesiastical  
 Fees Fund such sums as may be necessary to provide for the pay-

Advances by  
 the Eccle-  
 siastical Com-  
 missioners.

A.D. 1877. ment of such sums as may from year to year be prescribed by the rules and orders for the expenses incurred by the said Commissioners in carrying into effect the provisions of this Act, and for the payment of any of the sums directed to be paid under this Act to the provincial judge and to the clerk of such judge and 5 to any person as compensation for loss of emoluments.

Such sums so advanced shall be repaid from the Ecclesiastical Fees Fund to the common fund of the said Commissioners, together with interest at the rate of four pounds per centum per annum.

The total amount of the sums advanced under this section shall 10 not exceed the sum of five thousand pounds.

Payments to  
certain tem-  
porary  
officers.

60. Persons appointed under this Act to discharge the duties of any office until the first vacancy after the passing of this Act in the office with which such first-mentioned office is consolidated shall receive such remuneration as may be prescribed by the 15 rules and orders.

Pensions  
under Pro-  
bate Act.

61. If any person exercising at the passing of this Act any peculiar ecclesiastical jurisdiction (other than the dean or the dean and chapter of any cathedral or collegiate church), by virtue of any office, or if any person holding at the passing of this Act any of the offices mentioned in the first column of Schedule (A.) to this Act, or if any person holding at the passing of this Act any of the offices mentioned in the second column of the said Schedule, shall resign such office, he shall not be thereby disqualified from continuing to receive any yearly sum which may have been awarded 25 to him as compensation under the Court of Probate Act, 1857.

## PART IX.

### *Repeal of Acts.*

Repeal of  
Acts.

62. From and after the commencement of this Act there shall be repealed— 30

(1.) The Acts specified in Schedule (D.) to this Act to the extent in the third column of that schedule mentioned :

(2.) Any other enactment relating to any ecclesiastical offices or fees, whether contained in any of the said Acts or otherwise, which may be inconsistent with this Act. 35

This repeal shall not revive any enactment, right, office, privilege, matter, or thing not in force or existing at the commencement of this Act, and such repeal shall be without prejudice to anything done or suffered before the said commencement under any of the enactments hereby repealed. 40

Notwithstanding the repeal of any enactment under this section, any fee which shall have been ordained by, or in the exercise of any power given by, such enactment, or which shall have been taken before the commencement of this Act under any lawful custom or  
5 under any statute, for any matter or thing for which fees can be settled under this Act, shall, unless otherwise directed by this Act, continue to be payable until otherwise directed by the rules and orders, and every such fee shall be paid in the same manner as is herein-before prescribed in reference to fees payable under the rules  
10 and orders.

A.D. 1877.  

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A.D. 1877.

## The SCHEDULES to the foregoing Act.

## SCHEDULE (A.)

*Offices to be consolidated.*

First Column. Offices to be consolidated with the Offices mentioned in the second column.	Second Column. Offices with which the Offices mentioned in the first column are to be consolidated.
Commissary-General of the City and Diocese of Canterbury.	Vicar-General and Official Principal of the Archbishop and Province of 10 Canterbury. 5
Official Principal of the Consistory Court of the Diocese of York.	Vicar-General of the Archbishop and Province of York. 15
Registrar of the Arches Court of Canterbury.	
Registrar of the Office of Faculties to the Archbishop of Canterbury.	
Registrar of the Consistory Court and Diocese of Canterbury.	20
Secretary of the Archbishop of Canterbury (as held by persons appointed to such office prior to the passing of this Act).	
Officials of the Archdeacons and Archdeaconries within the Diocese of Canterbury, when the duties of such officials are not performed by such Archdeacons.	25
Registrars of the Archdeacons and Archdeaconries within the Diocese of Canterbury.	
Officials and Registrars of the Commissary and peculiar Ecclesiastical Courts (if any) within the Diocese of Canterbury.	30
Record Keeper, Sealer, and Seal Keeper	35

A.D. 1877.

First Column. Offices to be consolidated with the Offices mentioned in the second column.	Second Column. Offices with which the Offices mentioned in the first column are to be consolidated.
5 of the Archbishop or Province or Diocese of Canterbury or of any Ecclesiastical Court or office of such Archbishop, or of any other Ecclesiastical Court within such Diocese.	
10 Apparitor of the Arches Court of Canterbury, and of any other Ecclesiastical Court or Officer within the Diocese of Canterbury.	} Apparitor of the Province of Canterbury.
15 Registrar of the Consistory Court and Diocese of York.	
Secretary of the Archbishop of York (as held by persons appointed to such office prior to the passing of this Act).	
20 Officials of the Archdeacons and Archdeaconries within the Province of York, when the duties of such officials are not performed by such Archdeacons.	
25 Registrars of the Archdeacons and Archdeaconries within the Diocese of York.	} Registrar of the Province of York.
30 Officials and Registrars of the Commissary and peculiar Ecclesiastical Courts (if any) within the Diocese of York.	
Record Keeper, Sealer, and Seal Keeper of the Archbishop or Province or Diocese of York and of any Ecclesiastical Court or office of such Archbishop, or of any other Ecclesiastical Court within such Diocese.	
35 Apparitor of the Consistory Court of the Diocese of York and of any other Ecclesiastical Court or office within the Diocese of York.	
40 Commissary of any Bishop.	} Apparitor of the Province of York.
	Chancellor of the Diocese.

A.D. 1877.

First Column. Offices to be consolidated with the Offices mentioned in the second column.	Second Column. Offices with which the Offices mentioned in the first column are to be consolidated.
Secretary of any Bishop (as held by persons appointed to such office prior to the passing of this Act).	5
Officials of the Archdeacons and Archdeaconries within any Diocese other than those of Canterbury and York, when the duties of such officials are not performed by such Archdeacons.	10
Registrars of the Archdeacons and Archdeaconries within any Diocese other than those of Canterbury and York.	15
Officials and Registrars of the Commissary and peculiar Ecclesiastical Courts (if any) within any Diocese other than those of Canterbury and York.	20
Record Keeper, Sealer, and Seal Keeper of any Bishop, Court, or Diocese other than those of Canterbury and York.	25
Apparitor of any Bishop, and of any other ecclesiastical officer or court within any Diocese.	30
The cryer of court, and clerk of county of the Diocese of Lichfield.	

### SCHEDULE (B.)

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#### *Declaration of Office.*

I, *A.B.*, appointed to the office of \_\_\_\_\_, do hereby solemnly declare that I am a member of the Church of England as by law established, and that I will discharge the duties of the said office to the uttermost of my understanding, without respect of favour or reward.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_.

### SCHEDULE (C.)

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#### 10 *Maximum Salaries payable to Officers appointed after the passing of this Act.*

		£
	Provincial Judge - - - - -	2,000
	Clerk of the Provincial Judge - - - - -	200
	Vicar-General and Official Principal of the Archbishop	
15	and Province of Canterbury - - - - -	600
	Registrar of the Province of Canterbury - together	1,500
	Apparitor of the Province of Canterbury - - - - -	30
	Vicar-General of the Archbishop and Province of York	400
	Registrar of the Province of York - - - together	1,000
20	Apparitor of the Province of York - - - - -	25
	Chancellor of the Diocese of London - - - - -	400
	Registrar of the Diocese of London - - - together	1,250
	Chancellors of Dioceses, except those of Canterbury, York, and London - - - - - in all	5,000
25	Registrars of Dioceses - { except those of Canterbury, York, and London } in all	20,000
	Apparitors of Dioceses, except those of Canterbury, and York - - - - - in all	500



A.D. 1877.

## SCHEDULE (D.)

*Acts repealed.*

Session and Chapter.	Title.	Extent of Repeal.
10 Geo. 4. c. 53. -	An Act to regulate the duties, salaries, and emoluments of the Officers, Clerks, and Ministers of certain Ecclesiastical Courts in England.	The whole Act. 5
1 & 2 Vict. c. 106. -	An Act to abridge the holding of Benefices in Plurality, and to make better provision for the residence of the Clergy.	Section 131. 10
30 & 31 Vict. c. 133.	An Act relating to the Consecration of Churchyards.	Section 3.
30 & 31 Vict. c. 135.	An Act for the establishment of a Table of Fees to be taken on the consecration of Churches, Chapels, and Burial Grounds, on the ordination of Deacons and Priests, and on Visitations.	The whole Act. 15
34 & 35 Vict. c. 43.	An Act for the amendment of the law relating to Ecclesiastical Dilapidations.	So much of section 10 as relates to the fees of the bishop's secretary and the registrar. 20
34 & 35 Vict. c. 44.	An Act to enable Clergymen permanently incapacitated by illness to resign their benefices with provision of pensions.	Section 17. 25
37 & 38 Vict. c. 85.	An Act for the better administration of the laws respecting the regulation of Public Worship.	So much of section 19 as relates to fees.



# **Ecclesiastical Offices and Fees.**

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## **B I L L**

[AS AMENDED BY THE SELECT  
COMMITTEE]

To reform certain Ecclesiastical Offices,  
and to regulate Ecclesiastical Fees.

(*Prepared and brought in by  
Mr. Conper-Temple and Mr. Russell Gurney.*)

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*Ordered, by The House of Commons, to be Printed,  
12 April 1877.*

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[Bill 130.]

*Under 4 oz.*

A

B I L L

TO

Amend the Law relating to the Election of Aldermen in A.D. 1877.  
Municipal Boroughs by the application thereto of the  
Cumulative Vote.

WHEREAS it is expedient to amend the fifth and sixth William  
Fourth, chapter seventy-six, relating to the mode of electing  
aldermen in municipal boroughs regulated by the said Act, so as  
to give a more perfect representation of town councils on the  
5 aldermanic bench :

Be it enacted by the Queen's most Excellent Majesty, by and  
with the advice and consent of the Lords Spiritual and Temporal,  
and Commons, in this present Parliament assembled, and by the  
authority of the same, as follows :

- 10 1. That at any election for any aldermen any person entitled to  
vote at such election shall be entitled to a number of votes equal  
to the number of aldermen to be elected, and may give all such  
votes to one person, or distribute them as he thinks fit : Provided  
always, that the provisions of this Act shall not apply to the City of  
15 London.

[Bill 128.]





# **Election of Aldermen (Cumulative Vote).**

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A

## **B I L L**

To amend the Law relating to the  
Election of Aldermen in Municipal  
Boroughs by the application thereto  
of the Cumulative Vote.

(*Prepared and brought in by  
Mr. Wheelhouse and Mr. Isaac.*)

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*Ordered, by The House of Commons, to be Printed,  
10 April 1877.*

[Bill 128.]

*Under 1 oz.*

# **Elective County Boards (Ireland) Bill.**

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## **ARRANGEMENT OF CLAUSES.**

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**Clause.**

1. An elective board substituted for grand jury.
2. Board to consist of twenty-four members.
3. County to be divided into board districts.
4. Determination of number of members to be allotted to each district.
5. Qualification of board members.
6. Qualification of voter.
7. Date of election.
8. Notice of election.
9. Mode of nomination.
10. Returning officer to decide on validity of nomination paper.
11. Candidate may resign.
12. If more candidates than local members to be returned, poll to be adjourned.
13. Voting to be by ballot.
14. Ballot-boxes may be forwarded by post.
15. Votes to be counted as provided by Ballot Act.
16. Returning officer to return board members.
17. County board a body politic.
18. Meetings of county board.
19. Acts of board valid when not complete.
20. Officers of grand jury transferred to county board.
21. Constabulary to post notices.
22. Corrupt Practices Municipal Act, 1872, incorporated with Act.
23. Ballot Act, 1872, incorporated with Act.
24. Ballot papers to be dealt with as in Ballot Act.
25. Barony constable to assist.
26. Dates to be altered.
27. Elections not to be held on Sunday.
28. Returning officer entitled to expenses.

[Bill 100.]

A



Clause.

29. County board to present for expenses.
30. No paid agents.
31. Sheriff returning officer.
32. Sections of Commissioners Clauses Act incorporated.
33. Lord Lieutenant to make orders.
34. Orders to be laid before Parliament.
35. Meaning of terms.
36. Title of Act.
37. Act may be amended.
38. Extent of Act.

SCHEDULES.

A  
B I L L

FOR

The establishment of Elective County Boards in Ireland.

A.D. 1877

**W**HEREAS it is expedient that the control of the money raised for local purposes in the different counties of Ireland by the county cess and similar rates should be under the supervision and direction of persons elected by those who pay such rates :

- 5 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; that is to say,

1. A board shall be established in each county in Ireland to be  
10 called the county board of such county, and from and after the establishment of such county board all powers and duties vested in or imposed on the grand jury of such county by the several Acts of Parliament mentioned in the first schedule annexed hereto shall be transferred to and imposed on the said county board, and shall  
15 cease to be exercised or performed by such grand jury, and except as otherwise provided by this Act, shall be exercised and performed by such county board in like manner and form and subject to the same conditions, liabilities, and incidents respectively as such powers and duties might before the passing of this Act have been  
20 exercised and performed by such grand jury or by the authorities in whom the same were then vested respectively, or as near thereto as circumstances admit.

An elective board substituted for grand jury.

2. The county board shall consist of twenty-four board members, to be elected as afterwards provided.  
25 Eight of the so elected twenty-four board members shall retire each year, but shall be capable of re-election.

Board to consist of twenty-four members.

3. The Lord Lieutenant by and with the advice of the Privy Council in Ireland shall before the *first of October one thousand eight hundred and seventy-seven* divide each county in Ireland into board  
30 districts for the election of board members, and may after such

County to be divided into board districts.

[Bill 100.]

A 2

A.D. 1877. division alter same at the recommendation of the county board for such county. In making such division or alterations the Lord Lieutenant shall make each board district to consist of one or more polling districts, as constituted by the Ballot Act, 1872. The number of board districts shall not in any county exceed eight. 5

Determina-  
tion of  
number of  
members to  
be allotted to  
each district.

4. The Lord Lieutenant, by and with the advice of the privy council in Ireland, shall before the *first of October one thousand eight hundred and seventy-seven* determine and may from time to time alter, at the recommendation of the county board, the number of board members to be elected from each board district. Such 10 number being, however, either not less than three or more than six. In making such allotments the Lord Lieutenant shall as far as possible allot to each board district board members in the same proportion to the twenty-four to be returned for the county which the number of voters in such board district bears to the whole number 15 of voters in the county in which such district is situated.

Qualification  
of board  
members.

5. Every person shall be capable of being elected a board member for any county board who shall be at the time of such election a registered voter for candidates for parliamentary elections for the county for which such board is constituted, or who shall be a peer 20 owning or occupying any real property within the county.

Qualification  
of voter.

6. At every election of board members for a county board in any board district every person who shall then be a registered voter in such district for candidates for parliamentary elections shall be entitled to vote for the board members allotted to such district. No 25 person shall be entitled to vote at more than one polling place in the county at any election. Every person qualified to vote shall be entitled to vote for a number of candidates equal to the number of board members to be returned at the time of such election by the district in which he votes. 30

Date of  
election.

7. On the *first day of November one thousand eight hundred and seventy-seven*, the twenty-four board members for the ensuing year, to be counted from the *first day of November*, shall be elected. On the *first day of November* in every subsequent year the eight board members to be elected in place of those retiring by rotation shall be 35 elected.

Notice of  
election.

8. The returning officer shall on the *twentieth day of October* in every year prepare and issue a notice in the form to be approved of by the Lord Lieutenant and the Privy Council, and shall cause such notice to be duly posted on every church and other place of 40 worship, and also on every courthouse, police station, market-place, and other usual place for posting public notices, that on the *first*

*day of November* next he shall proceed to the election of board members, and will up to four o'clock on the *first day of November* receive nominations for candidates for election for the different board districts of said county for which board members are to be  
 5 elected. The notice to be published on the *twentieth of October* one thousand eight hundred and seventy-seven shall state that twenty-four board members are to be elected, and also the number of board members to be elected by each district, specifying same. The notice to be published in every year subsequent to the *twentieth*  
 10 *of October* one thousand eight hundred and seventy-seven shall state the number of board members to be elected in place of those retiring by rotation, the districts for which they are to be elected, and the names of the board members then going out of office.

A.D. 1877.

9. Every nomination shall be in writing and in the form in the  
 15 second schedule hereto. Every such nomination paper shall be signed by two voters as proposer and seconder. Every such nomination paper shall be delivered to the returning officer at the usual place for holding parliamentary elections for the county for which the board is to be constituted, or to such other persons as he may appoint to  
 20 receive the same if he thinks fit in the different board districts. Such nomination papers may be transmitted by post.

Mode of nomination.

10. The returning officer shall carefully preserve every nomination paper received by him, and on the receipt thereof shall mark on each a number and date according to the order in which the  
 25 same shall be received. He shall also compare each nomination paper with the registry of voters and ascertain whether the several persons mentioned in each nomination paper are in all respects duly qualified to nominate and be nominated respectively. In the event of his considering any nomination paper informal, he shall  
 30 within one hour after receipt of same put on the door of courthouse that he has rejected such nomination paper, and state the reason for doing so.

Returning officer to decide on validity of nomination paper.

The returning officer shall decide on the validity of every objection made to a nomination paper, and his decision of rejecting the  
 35 objection shall be final; but if allowing the same shall be subject to reversal on petition questioning the election or return.

11. If any person put in nomination for the office of board member shall at any time before four o'clock on the *first day of November* duly tender to the returning office his refusal in writing to such  
 40 office the returning officer shall omit and strike out the name of such person from the list of candidates.

Candidate may resign.

A.D. 1877.

If more candidates than local members to be returned, poll to be adjourned.

**12.** On the *first day of November* in every year if the candidates for any board district shall not exceed the number of board members to be then elected for such district, the returning officer shall on said day declare such candidates except such as may have declined to act to be the board member for such district, and shall certify the same accordingly. When the candidates duly nominated for any board district shall exceed the number of board members to be elected for such district, the returning officer shall on the *first day of November* adjourn the poll for such board districts to that day week. If for any board district no candidates are nominated or not a sufficient number to fill up the vacancies in such district, the returning officer shall return as many of the outgoing board members of such district as board members for the ensuing year for such district as necessary to make the prescribed number of board members for such district complete. In making such returns the returning officer shall select those who at the then last contested election for such district received the greater number of votes.

Voting to be by ballot.

**13.** The poll at any contested election for board members shall be conducted by the returning officer, and shall so far as circumstances admit, be conducted in the manner in which the poll is under the Ballot Act 1872 directed to be conducted at all contested parliamentary elections, subject to the modifications contained in this Act, and shall be by ballot; and such provisions of the Ballot Act, 1872, as relate to or are concerned with the poll at a parliamentary election shall apply to a poll at a contested county board election: Provided as follows, the term "petition questioning the election or return" shall mean any proceeding in which a county board election can be questioned.

Each voter shall vote at the polling place at which he would be entitled to vote in a parliamentary election, and the returning officer shall make arrangements for receiving votes at each parliamentary polling place in those board districts of which the representation is contested.

Ballot-boxes may be forwarded by post.

**14.** The several ballot-boxes used in the different polling places shall be forwarded to the returning officer in such manner as the Lord Lieutenant shall direct with the advice of his Privy Council. It shall be lawful for the Lord Lieutenant to authorise the ballot-boxes to be transmitted by post subject to such regulations as he shall think fit.

Votes to be counted as provided by Ballot Act.

**15.** On the *tenth day of November* and from that day continuously the receiving officer shall proceed to count the votes for the different candidates for board districts. If all the ballot-boxes have not

then arrived the receiving officer may adjourn such counting for such time as he thinks fit. The votes shall be counted, so far as circumstances admit, as is provided in the case of parliamentary elections by the Ballot Act, 1872, and such provisions of said Act as  
 5 relate to or are concerned with the counting at a parliamentary election shall apply to the counting at a contested county board election.

A.D. 1877.

16. As soon as such counting shall have taken place, or in the event of there being no contest for any board district on the *first day of November*, the returning officer shall make a return under his  
 10 hand and seal in the manner to be appointed by the Lord Lieutenant with the advice of his Privy Council of the name of every board member whom he shall declare to be returned.

Returning officer to return board members.

In the case of a contest for any board district the names of all candidates and the number of votes they received shall be returned.  
 15 In case there shall have been no candidates for any board district, or in case the number of candidates shall be less for any board district than the number of local members to be returned for such district, this fact shall be so stated. The returning officer shall forthwith publish such return. As soon as the receiving  
 20 officer shall have signed such return in manner aforesaid the members so returned shall be deemed board members of the county board for the ensuing year. The return when made shall be given to the secretary of the county board, who is to preserve same. The returning officer shall transmit a duplicate of such  
 25 return to the clerk of the hanaper.

The county board in each county shall be deemed to be established as soon as the returning officer of such county makes a return as aforesaid.

In case of an equality in the number of votes for any two or  
 30 more candidates the returning officer, if necessary, to prevent an excess in the number of board members for any board district shall decide by lot which of such candidates are to be elected.

17. The county board for every county while so acting shall be and are hereby declared to be a body politic and corporate, and  
 35 shall be called by the name of the "County Board for the County of \_\_\_\_\_," and are hereby authorised and enabled by that name to sue and be sued, plead and implead in law and equity.

County board a body politic.

18. The county board shall meet at such times and at such places as shall be enjoined by order of the Lord Lieutenant with the  
 40 advice of the Privy Council.

Meetings of county board.

The county board shall during the time of the assizes transact no fiscal business without the permission of the judge of assizes as

[100.]

A 4

A.D. 1877. heretofore obtained by the grand jury. The county board shall during each assizes transmit to the judge of assizes any presentments they may have agreed to in the same manner that same have heretofore been transmitted by the grand jury.

Acts of board  
valid when  
not complete.

19. In case the full number of board members shall not be elected 5 at any election of board members for the time being, or in the event of any vacancy occurring in such county board by the death or disqualification to act of any board member, the other or remaining board members of the said county shall continue to act until the next election, or until the completion of such board, as if no 10 such vacancy occurred, and as if the number of such board were complete.

Officers of  
grand jury  
transferred  
to county  
board.

20. In every county all officers, clerks, barony constables, the present secretary of the grand jury, and all other persons employed in or about the execution of the powers and duties by this Act 15 transferred to the county board, shall, from and after the *eighth day of November one thousand eight hundred and seventy-seven*, be attached to and under the control of the county board for such county.

Constabulary  
to post  
notices.

21. The nominating officer shall be entitled to require the con- 20 stabulary of the county in which any election may take place to post all notices required to be given for the carrying out of this Act.

Corrupt  
Practices  
Municipal  
Act, 1872,  
incorporated  
with Act.

22. The Corrupt Practices Municipal Act, 1872, shall be incorporated with this Act: Provided as follows,—

“Borough” includes county. 25

“Office” includes sheriff, sub-sheriff, and board member.

“Town clerk” includes clerk of the peace.

“Borough rate or fund” includes rate under the sixth and seventh William the Fourth, chapter one hundred and sixteen.

“Register” includes the different parliamentary voting lists for 30 the polling districts which form any board district.

Ballot Act,  
1872, in-  
corporated  
with Act.

23. The Ballot Act, 1872, shall be incorporated herewith: Pro-  
vided as follows,—

(a.) In Part III. the expression “municipal” includes county board : 35

(b.) In the application of the provisions of the first schedule of the Ballot Act, 1872, to county board elections, the following modifications shall be made. 1. An order of the civil bill court having jurisdiction in the county or any part thereof, or of any tribunal in which a county board election 40 is questioned, shall be substituted for an order of the House of Commons, or of one of Her Majesty’s superior

courts, but an appeal from such civil bill court may be had in like manner as in other cases in such civil bill court; 2. Nothing in such schedule with respect to time to elapse from day of poll to day of nomination shall apply

5 to a county board election.

The returning officer shall have a similar right to require the use of any room and of any ballot-boxes, as provided by sections six and fourteen of such Act for parliamentary elections.

24. The returning officer shall forward all ballot papers and all other documents connected with the election to the clerk of the hanaper office, and transfer in the same manner all such documents as are directed to be forwarded in contested parliamentary elections by the Ballot Act, 1872, all which documents shall be dealt with and liable to be produced and inspected so far as circumstances admit in the same way and manner as such documents are now dealt with by the Ballot Act, 1872.

Ballot papers  
to be dealt  
with as in  
Ballot Act.

25. The returning officer shall be entitled to require any barony constable in the county for which an election is being held to preside for him at any polling station on payment to him of the sum of one guinea.

Barony  
constable  
to assist.

Any barony constable neglecting to preside when so required shall be liable to pay to the returning officer whatever sum such officer may have had to pay a deputy to preside in his place. Such sum may be recovered before the chairman of the Civil Bill Court of such county.

26. All dates in this Act on which matters are ordered to be done may from time to time be altered by the Lord Lieutenant, with the advice of his Privy Council, at the recommendations of the county board for the county for which such alteration is made.

Dates to be  
altered.

27. In every case where any date on which any matter or thing ordered to be done under this Act shall fall on a Sunday, such matter or thing shall be done on the following day.

Elections not  
to be held on  
Sunday.

28. The county board shall pay to the returning officer the expenses of carrying out an election under this Act. Such expenses shall not exceed for each polling place in the county the sum of three pounds.

Returning  
officer en-  
titled to  
expenses.

29. It shall and may be lawful for the county board of each county, and such county board is hereby required to present (without previous application to presentment sessions), to be raised off such county, such sum as the returning officer may be entitled to for expenses in carrying out elections under this Act.

County board  
to present for  
expenses.

30. No candidate shall be allowed to employ any paid agent as a canvasser on his behalf. The election of any candidate who employs such an agent shall be void.

No paid  
agents.



- A.D. 1877. **31.** The sheriff of each county shall be the returning officer for the election of the county board.
- Sheriff returning officer. **32.** The following sections of the Commissioners Clauses Act, 1847, shall be incorporated in this Act, sections 2, 3, sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 25, 32, 33, 34, 37, 38, 39, 48, 49, 50, 51, 52, 53, 55, 56, 60, 62, 64, 96, 97, 98, 99, 100, 101 : Provided as follows in the above sections : commissioner includes board member ; ward includes board district ; annual meeting shall mean first meeting in each year of board members after their election. In section 17, for first Thursday of September shall be substituted first of November. In section 20, commissioners shall mean twenty-four elected commissioners.
- Sections of Commissioners Clauses Act incorporated. 10 Vict. c. 16. **33.** The Lord Lieutenant with the advice of the Privy Council in Ireland may and is hereby required on or before the *twentieth day of October one thousand eight hundred and seventy-seven* to make general orders for the purpose of carrying this Act into effect and for regulating the forms and procedure at board elections : Provided always, that in making such general orders regard shall be had to preserving the secrecy of the ballot.
- Lord Lieutenant to make orders. **34.** All such general orders as aforesaid shall immediately after the making and issuing thereof be laid before both Houses of Parliament if then sitting ; or if Parliament be not then sitting, within five days after the next meeting thereof : Provided always, that if either of the Houses of Parliament shall by any resolution passed within thirty-six days after such general orders have been laid before such Houses of Parliament, resolve that the whole or any part of such general orders ought not to continue in force, in such case the whole, or such part thereof as shall be so included in such resolution, shall from and after such resolution cease to be binding.
- Orders to be laid before Parliament. **35.** The following words or expressions in this and any Act incorporated therewith, and in any Act mentioned in the first schedule hereto, shall have the several meanings hereby assigned to them, unless there be something in the subject or the context repugnant to such construction ; (that is to say),  
Secretary or secretary to general jury includes secretary to county board :  
Real property shall include chattels real :  
Registry of voters, registry of voters for parliamentary elections.
- Meaning of terms. **36.** This Act may be cited as the County Board (Ireland) Act, 1877.
- Title of Act. **37.** This Act may be amended or repealed during the present session.
- Act may be amended. **38.** This Act shall extend to Ireland only.
- Extent of Act.

SCHEDULES.

A.D. 1877.

SCHEDULE I.

	50 Geo. III. c. 102.	8 & 9 Vict. c. 81.	19 & 20 Vict. c. 37.
	1 & 2 Geo. IV. c. 33.	8 & 9 Vict. c. 107.	19 & 20 Vict. c. 63.
5	4 Geo. IV. c. 33.	9 & 10 Vict. c. 2.	19 & 20 Vict. c. 68.
	4 Geo. IV. c. 43.	9 & 10 Vict. c. 37.	19 & 20 Vict. c. 99.
	5 Geo. IV. c. 93.	9 & 10 Vict. c. 71.	20 & 21 Vict. c. 15.
	6 Geo. IV. c. 52.	9 & 10 Vict. c. 86.	21 & 22 Vict. c. 103.
	6 Geo. IV. c. 101.	9 & 10 Vict. c. 97.	23 Vict. c. 4.
10	7 Geo. IV. c. 74.	9 & 10 Vict. c. 115.	23 & 24 Vict. c. 119.
	3 & 4 Wm. IV. c. 37.	10 & 11 Vict. c. 87.	23 & 24 Vict. c. 152.
	3 & 4 Wm. IV. c. 78.	11 & 12 Vict. c. 1.	23 & 24 Vict. c. 150.
	4 & 5 Wm. IV. c. 90.	11 & 12 Vict. c. 26.	24 & 25 Vict. c. 63.
	6 & 7 Wm. IV. c. 13.	11 & 12 Vict. c. 32.	24 & 25 Vict. c. 71.
15	6 & 7 Wm. IV. c. 116.	11 & 12 Vict. c. 51.	25 & 26 Vict. c. 106.
	7 Wm. IV. & 1 Vict.	11 & 12 Vict. c. 69.	27 & 28 Vict. c. 17.
	c. 2.	13 & 14 Vict. c. 69.	30 & 31 Vict. c. 112.
	1 Vict. c. 54.	13 & 14 Vict. c. 85.	33 & 34 Vict. c. 9.
	2 & 3 Vict. c. 50.	14 & 15 Vict. c. 85. s. 4.	34 & 35 Vict. c. 25.
20	3 & 4 Vict. c. 44.	16 & 17 Vict. c. 38.	34 & 35 Vict. c. 42.
	5 & 6 Vict. c. 42.	16 & 17 Vict. c. 136.	35 & 36 Vict. c. 42.
	5 & 6 Vict. c. 81.	17 & 18 Vict. c. 36.	36 & 37 Vict. c. 39.
	6 & 7 Vict. c. 44.	17 & 18 Vict. c. 103.	37 & 38 Vict. c. 76.
	7 & 8 Vict. c. 106.	18 & 19 Vict. c. 109.	

25

SCHEDULE II.

NOMINATION PAPER.

We, the undersigned, *A.B.* of \_\_\_\_\_ and *C.D.* of \_\_\_\_\_  
being electors for the \_\_\_\_\_ of \_\_\_\_\_ do hereby  
nominate the following person as a proper person to serve as local member for  
30 the board district of \_\_\_\_\_ in the said county for the county  
board of \_\_\_\_\_

Surname.	Other Names.	Abode.	Rank, Profession, or Occupation.
Brown	- John -	52, Sackville Street, Dublin	Farmer.

35

*A.B.*  
*C.D.*

**Elective County  
Boards (Ireland).**

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A

**B I L L**

For the establishment of Elective  
County Boards in Ireland.

*(Prepared and brought in by  
Captain Nolan, Mr. Fay, and Mr. O'Clery.)*

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*Ordered, by The House of Commons, to be Printed,  
22 February 1877.*

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[Bill 100.]

*Under 2 oz.*

A  
B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Education Department under "The Elementary Education Act, 1870," to enable the School Boards for Cardiff, the United District of East and West Teignmouth, Holywell (Extra-Municipal), Hornsey, Merthyr Tydfil, and Ystradgunlais Lower, to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same. A.D. 1877.

**W**HEREAS the Lords of the Committee of the Privy Council on Education have made certain Provisional Orders under the authority of the Elementary Education Act, 1870, on behalf of the School Boards for Cardiff, the United District of East and West Teignmouth, Holywell (Extra-Municipal), Hornsey, Merthyr Tydfil, and Ystradgunlais Lower, and it is requisite that the same should be confirmed by Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The following Orders shall be and are hereby confirmed, and from and after the passing of this Act shall have full validity and force. Confirmation of Orders.
2. This Act may be cited as the Education Department Provisional Orders Confirmation (Cardiff, &c.) Act, 1877. Title of the Act.

A.D. 1877. **THE SCHOOL BOARD FOR CARDIFF (No. 1), COUNTY OF GLAMORGAN.**

*Provisional Order for putting in force the Lands Clauses Consolidation Act, 1845.*

At the Council Chamber, the 8th day of September 1876.

5

WHEREAS the School Board for the borough of Cardiff, in the county of Glamorgan, require to purchase two pieces of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement :

10

And whereas the lands so required to be purchased are set forth in the schedule hereunder written :

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required :

15

20

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said lands are situate as to the propriety of the proposed Order :

25

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the pieces of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement, or any of them.

30

Signed this eighth day of September one thousand eight hundred and seventy-six.

35

(Signed)   PATRICK CUMIN,  
 One of the Assistant Secretaries  
 of the Education Department.

**SCHEDULE to the foregoing Order.**

**A.**

40

1. A piece of vacant land adjoining Adamsdown House, bounded on the north-west by the houses and premises of South Luton Place, on the north by Moira Place, on the south-east by Adamsdown House and grounds, and the

south-west by Windsor Road; the said piece of land being situate in the parishes of Saint Mary the Virgin and Roath, in the borough of Cardiff and county of Glamorgan, and containing by admeasurement 47,196 square feet or thereabouts. A.D. 1877.

5

B.

2. A piece of vacant land bounded on the north by Wood Street, on the east by back walls and premises of houses situate on the west side of Eisteddfod Street, on the south by the embankment of the South Wales Railway, and on the west side by pieces of vacant land lying to the east of the River Taff and running from south to west about 76 feet, and west to east about 80 feet, and again south to north about 140 feet; the piece of land proposed to be taken being situate in the parish of Saint Mary the Virgin, in the borough of Cardiff and county of Glamorgan, and containing by admeasurement 22,050 square feet or thereabouts.

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15 THE SCHOOL BOARD FOR CARDIFF (No. 2), COUNTY OF GLAMORGAN.

*Provisional Order for putting in force the Lands Clauses Consolidation Act, 1845.*

At the Council Chamber, the 28th day of March 1877.

- 20 WHEREAS the School Board for the borough of Cardiff, in the county of Glamorgan, require to purchase a piece of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement:

25 And whereas the land so required to be purchased is set forth in the schedule hereunder written:

- And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required:

- 35 And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order:

[179.]

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4 *Elementary Education Provisional Orders* [40 VICT.]  
Confirmation (Cardiff, &c.).

A.D. 1877. Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper, and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the piece of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands other- 5 wise than by agreement, or any of them.

Signed this twenty-eighth day of March one thousand eight hundred and seventy-seven.

(Signed) PATRICK CUMIN,  
One of the Assistant Secretaries 10  
of the Education Department.

SCHEDULE above referred to.

Parish in which site is situated.	Description of Property required for School Site.	Quantity in square yards (about).	
St. Mary the Virgin, in the town of Cardiff, in the county of Glamorgan.	Parcel of land, together with the 10 dwelling-houses erected thereon, situate in and numbered respectively 26, 27, 28, 29, and 30, South Church Street, and 3, 4, 5, 6, and 7, Peel Street; the whole site being bounded on the north by South Church Street, on the south by Peel Street, on the east by No. 31, South Church Street and No. 2, Peel Street, and on the west by the backs of the houses in West Church Street.	1089½.	15
			20
			25

THE SCHOOL BOARD FOR THE UNITED DISTRICT OF  
EAST AND WEST TEIGNMOUTH, COUNTY OF DEVON.

*Provisional Order for putting in force the Lands Clauses  
Consolidation Act, 1845.*

At the Council Chamber, the 4th day of April 1877. 30

WHEREAS the School Board for the United District of East and West Teignmouth, in the county of Devon, require to purchase a certain messuage of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts 35 amending the same, which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the messuage so required to be purchased is set forth in the schedule hereunder written :

And whereas the said Board have made due publication of the notices, and 40 have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Depart-

ment praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated  
5 therein, and the same hath been supported by such evidence as the said Education Department required:

A.D. 1877.

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district  
10 of the said Board wherein the said message is situate as to the propriety of the proposed Order:

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper, and do hereby order accordingly, that the said Board be authorised to  
15 put in force, with reference to the message set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement, or any of them.

Signed this fourth day of April one thousand eight hundred and seventy-seven.

(Signed) PATRICK CUMIN,  
20 One of the Assistant Secretaries  
of the Education Department.

SCHEDULE to the foregoing Order.

A certain message or dwelling-house, lands, lawn, gardens, stable, yard, buildings, hereditaments, and premises known as Ilex House, situate in Upper  
25 Brook Street and Bickfords Lane, in the parish of West Teignmouth, in the county of Devon, containing 3,214 square yards or thereabouts.

THE SCHOOL BOARD FOR HOLYWELL (EXTRA-MUNICIPAL), COUNTY OF FLINT.

*Provisional Order for putting in force the Lands Clauses*  
30 *Consolidation Act, 1845.*

At the Council Chamber, the 3rd day of March 1877.

WHEREAS the School Board for the parish of Holywell (extra-municipal), in the county of Flint, require to purchase a piece of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the  
35 same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the land so required to be purchased is set forth in the schedule hereunder written:

40 And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary

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*Elementary Education Provisional Orders* [40 VICT.]  
*Confirmation (Cardiff, &c.)*

A.D. 1877. Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated 5 therein, and the same hath been supported by such evidence as the said Education Department required :

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district 10 wherein the said land is situate as to the propriety of the proposed Order :

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper, and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the piece of land set forth in the schedule 15 hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement, or any of them.

Signed this third day of March one thousand eight hundred and seventy-seven.

(Signed) PATRICK CUMIN,  
One of the Assistant Secretaries 20  
of the Education Department.

SCHEDULE to the foregoing Order.

A part of a field situate at Twll, Bagillt, in the parish of Holywell, in the county of Flint, belonging to Dr. Richardson, now in the occupation of Hannah Jones, Twll Farm, and containing one acre or thereabouts. 25

THE SCHOOL BOARD FOR HORNSEY, COUNTY OF  
MIDDLESEX.

*Provisional Order for putting in force the Lands Clauses  
Consolidation Act, 1845.*

At the Council Chamber, the 20th day of April 1877. 30

WHEREAS the School Board for the parish of Hornsey, in the county of Middlesex, require to purchase a piece of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the 35 purchase and taking of lands otherwise than by agreement :

And whereas the land so required to be purchased is set forth in the schedule hereunder written :

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary 40 Education Act, 1870, and have presented a petition to the Education Depart-

ment praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated  
5 therein, and the same hath been supported by such evidence as the said Education Department required :

A.D. 1877.

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of  
10 the said Board wherein the said land is situate as to the propriety of the proposed Order :

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper, and do hereby order accordingly, that the said Board be authorised to  
15 put in force, with reference to the piece of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement, or any of them.

Signed this twentieth day of April one thousand eight hundred and seventy-seven.

20

(Signed) PATRICK CUMIN,  
One of the Assistant Secretaries  
of the Education Department.

SCHEDULE to the foregoing Order.

A piece or parcel of land situate at the rear of Springfield House, North  
25 Hill, Highgate, in the county of Middlesex, bounded on the south-east, south-west, and north-west by the estates of the Ecclesiastical Commissioners for England, leased by them to the Earl of Mansfield, and by him underleased to John William Lane the occupying tenant, and on the north-east by Springfield House and premises, recently purchased by Sir Sydney Hedley Waterlow,  
30 Baronet, and others, and containing twenty-four thousand square feet or thereabouts.

THE SCHOOL BOARD FOR MERTHYR TYDFIL, COUNTY  
OF GLAMORGAN.

*Provisional Order for putting in force the Lands Clauses*  
35 *Consolidation Act, 1845.*

At the Council Chamber, the 23rd day of April 1877.

WHEREAS the School Board for the parish of Merthyr Tydfil, in the County of Glamorgan, require to purchase a piece of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the  
40 same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement :

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A.D. 1877. And whereas the land so required to be purchased is set forth in the schedule hereunder written :

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required :

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order :

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper, and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the piece of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement, or any of them.

Signed this twenty-third day of April one thousand eight hundred and seventy-seven.

(Signed) PATRICK CUMIN, 25  
 One of the Assistant Secretaries  
 of the Education Department.

#### SCHEDULE to the foregoing Order.

All that piece or parcel of land or ground situate at Abercanaid, in the parish of Merthyr Tydfil, in the county of Glamorgan, bounded on the north by some waste land and the National Schoolhouse and playground at Abercanaid aforesaid, on the east by some waste land, on the south by waste land and some cottages, and on the west by Chapel Street, Abercanaid aforesaid, and containing by estimation two roods, be the same more or less, and at present unoccupied.

Owners.	Lessees.	Occupiers.
Right Honourable Lord Dynevor, the Honourable E. R. Wingfield, R.O. Jones, Esquire, and W. C. Luard, Esquire, trustees of Miss H. D. A. M. Richards.	John Ward, Robert Thompson Crawshay.	David Llewellyn, William Evans, Thomas Davies, William Thomas, John Howells, William Morgan, Thomas Stephen Thomas.

THE SCHOOL BOARD FOR YSTRADGUNLAIS LOWER,  
COUNTY OF BRECON.

*Provisional Order for putting in force the Lands Clauses  
Consolidation Act, 1845.*

5

At the Council Chamber, the 18th day of October 1876.

WHEREAS the School Board for the parish of Ystradgunlais Lower, in the county of Brecon, require to purchase a piece of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement :

And whereas the land so required to be purchased is set forth in the schedule hereunder written :

15 And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking  
20 of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required :

And whereas the said Department, having considered the said petition and  
25 the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order :

Now, therefore, the said Department, having received a report after such  
30 inquiry, and having duly considered the same, do hereby declare that it is proper, and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the piece of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement, or any of them.

35 Signed this eighteenth day of October one thousand eight hundred and seventy-six.

(Signed) F. R. SANDFORD,  
Secretary.

SCHEDULE to the foregoing Order.

40 A piece of land which is or was late part of a farm called Hennoyadd Farm and is situate at Abercrave, in the parish of Ystradgunlais Lower, in the county

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A.D. 1877.

of Brecon, and in the district of the School Board of the said parish of Ystradgunlais Lower, on the southern side of the road leading from the town of Swansea to the town of Brecon, on part of which said piece of land is built the Abercrave British School, now in the temporary occupation of the said School Board, which said piece of land contains one half an acre.

5

**Elementary Education  
 Provisional Orders Con-  
 firmation (Cardiff, &c.)**  
 [H.L.]

A

**B I L L**

INTITULED

An Act to confirm certain Provisional Orders made by the Education Department under "The Elementary Education Act, 1870," to enable the School Boards for Cardiff, the United District of East and West Teignmouth, Holywell (Extra-Municipal), Hornsey, Merthyr Tydfil, and Ystradgunlais Lower, to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.

(*Brought from the Lords 14 May 1877.*)

*Ordered, by The House of Commons, to be Printed,*  
*1 June 1877.*

[Bill 179.]

*Under 2 oz.*

A

# B I L L

## INTITULED

An Act to confirm certain Provisional Orders made by the Education Department under "The Elementary Education Act, 1870," to enable the School Boards for the United District of Felmingham and Kelvedon Hatch to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same. A.D. 1877.

**W**HEREAS the Lords of the Committee of the Privy Council on Education have made certain Provisional Orders under the authority of the Elementary Education Act, 1870, on behalf of the School Boards for the United District of Felmingham and  
5 Kelvedon Hatch, and it is requisite that the same should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,  
10 and by the authority of the same, as follows:

1. The following Orders shall be and are hereby confirmed, and from and after the passing of this Act shall have full validity and force. Confirmation  
of Orders.

2. This Act may be cited as the Education Department Pro-  
15 visional Orders Confirmation (Felmingham, &c.) Act, 1877. Title of the  
Act.

*Elementary Education Provisional [40 & 41 VICT.]  
Orders Confirmation (Felmingham, &c.)*

A.D. 1877.

**THE SCHOOL BOARD FOR FELMINGHAM UNITED  
DISTRICT, COUNTY OF NORFOLK.**

*Provisional Order for putting in force the Lands Clauses  
Consolidation Act, 1845.*

At the Council Chamber, the 7th day of May 1877.

5

WHEREAS the School Board for the United District of Felmingham, in the county of Norfolk, require to purchase a piece of land for the purposes of the Elementary Education Act, 1870, and, not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement :

10

And whereas the land so required to be purchased is set forth in the schedule hereunder written :

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department, praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required :

15

20

And whereas the said Department, having considered the said petition, and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order.

25

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper, and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the piece of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement, or any of them.

30

Signed this seventh day of May one thousand eight hundred and seventy-seven.

35

PATRICK CUMIN,  
one of the Assistant Secretaries  
of the Education Department.

**SCHEDULE to the foregoing Order.**

A piece of land containing half an acre, situate near the entrance to Felmingham Mill, Felmingham, in the county of Norfolk, and now in the occupation of Mr. William Primrose.

40

THE SCHOOL BOARD FOR KELVEDON HATCH,  
COUNTY OF ESSEX.

A.D. 1877.

*Provisional Order for putting in force the Lands Clauses  
Consolidation Act, 1845.*

5 At the Council Chamber, the 5th day of June 1877.

WHEREAS the School Board for the parish of Kelvedon Hatch, in the county of Essex, require to purchase a piece of land for the purposes of the Elementary Education Act, 1870, and not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses  
10 Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement :

And whereas the land so required to be purchased is set forth in the schedule hereunder written :

And whereas the said Board have made due publication of the notices, and  
15 have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department, praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the  
20 matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required :

And whereas the said Department, having considered the said petition, and the proofs of the publication and service of the proper notices, have thought fit  
25 to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order :

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is  
30 proper, and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the piece of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement, or any of them.

Signed this fifth day of June one thousand eight hundred and seventy-seven.

35 PATRICK CUMIN,  
one of the Assistant Secretaries  
of the Education Department.

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SCHEDULE to the foregoing Order.

40 A piece or parcel of meadow land situate, lying, and being in the said parish of Kelvedon Hatch, in the said county of Essex, and on the north and north-west sides of a public road or highway there situate, leading from the said parish of Kelvedon Hatch towards the parishes of Stondon Massey and  
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*Elementary Education Provisional* [40 & 41 VICT.]  
*Orders Confirmation (Felmingham, &c.)*

A.D. 1877. Blackmore, both in the said county, and which said piece of land now forms part of a farm and lands the property of Edward Carington Wright, Esquire, and in the tenure or occupation of James Newcomb, and is intended to contain not less than half an acre.

**Elementary Education  
 Provisional Orders Con-  
 firmation (Felmingham,  
 &c.) [H.L.]**

A

**B I L L**

INTITLED

An Act to confirm certain Provisional Orders made by the Education Department under "The Elementary Education Act, 1870," to enable the School Boards for the United District of Felmingham and Kelvedon Hatch to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.

*(Brought from the Lords 29 June 1877.)*

*Ordered, by The House of Commons, to be Printed,  
 29 June 1877.*

[Bill 223.]

*Under 1 oz.*

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## B I L L

## INTITULED

An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for London to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same. A.D. 1877.

**W**HEREAS the Lords of the Committee of the Privy Council on Education have made a Provisional Order under the authority of the Elementary Education Act, 1870, on behalf of the School Board for London, and it is requisite that the same should  
5 be confirmed by Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

10 **1.** The following Order shall be and is hereby confirmed, and from and after the passing of this Act shall have full validity and force. Confirmation  
of Order.

**2.** This Act may be cited as the Education Department Provisional Order Confirmation (London) Act, 1877. Short title.

A.D. 1877.

## THE SCHOOL BOARD FOR LONDON.

*Provisional Order for putting in force the Lands Clauses  
Consolidation Act, 1845.*

At the Council Chamber, the 20th day of April 1877.

WHEREAS the School Board for London require to purchase divers pieces of 5  
land for the purposes of the Elementary Education Act, 1870, and not having  
been able to purchase the same by agreement, require to put in force the  
provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending  
the same, which apply to the purchase and taking of lands otherwise than by  
agreement: 10

And whereas the lands so required to be purchased are set forth in the  
schedule hereunder written:

And whereas the said Board have made due publication of the notices, and  
have duly served the same, according to the requirements of the Elementary  
Education Act, 1870, and have presented a petition to the Education Depart- 15  
ment praying that an Order may be made authorising the said School Board to  
put in force the powers of the said Acts with respect to the purchase and  
taking of lands otherwise than by agreement, in which petition were stated all  
the matters required by the said Elementary Education Act to be stated  
therein, and the same hath been supported by such evidence as the said 20  
Education Department required:

And whereas the said Department, having considered the said petition and  
the proofs of the publication and service of the proper notices, have thought  
fit to proceed with the case, and have caused inquiry to be made in the  
district of the said Board wherein the said lands are situate as to the propriety 25  
of the proposed Order:

Now, therefore, the said Department, having received a report after such  
inquiry, and having duly considered the same, do hereby declare that it is  
proper and do hereby order accordingly that the said Board be authorised to put  
in force, with reference to the pieces of land set forth in the schedule here- 30  
under written, the powers of the said Acts for the purchase and taking of lands  
otherwise than by agreement, or any of them.

Signed this 20th day of April 1877.

(Signed) PATRICK CUMIN,

One of the Assistant Secretaries  
of the Education Department.

35

A.D. 1877.

The SCHEDULE referred to in the preceding Order.

- A piece or parcel of land situate in or near Star Lane, in the parish of Fulham, in the county of Middlesex, abutting north on Star Lane, at a distance of about 250 feet from the west corner of Norman Lane, and containing thirty-two thousand six hundred and seventy square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owners, lessee, and occupier of the said piece or parcel of land and hereditaments are as follows :—

10	Owners or reputed Owners.	Lessee or reputed Lessee.	Occupier.
15	Thomas Rickard Crowle, Robert J. S. Beeton, Right Hon- orable Viscount Ranelagh, The Ec- clesiastical Commis- sioners for England.	Timothy Brosnan -	Timothy Brosnan.

- A piece or parcel of land situate in or near Albion Road East, in the parish of Hammersmith, in the county of Middlesex, bounded on the east by Albion Road East at its junction with Brackenbury Road, on the west and south by other garden ground, and on the north by a house and gardens in Albion Road East, and containing twenty-one thousand nine hundred and thirty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owners, lessee, and occupier of the said piece or parcel of land and hereditaments are as follows :—

	Owners or reputed Owners.	Lessee or reputed Lessee.	Occupier.
30	Sarah Susan Lane, Al- bert Edward Eng- land, R.A., Charles Robert Rivington.	Thomas Nash - -	Thomas Nash.

- A piece or parcel of land situate in or near Silver Street, in the parish of Saint Mary Abbott Kensington, in the county of Middlesex, lying between Silver Street on the east and Newcombe Street on the west, and containing twelve thousand eight hundred and thirty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

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of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :— A.D. 1877.

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
5 James Whitchurch, James Marriott Whitchurch.	Martha Moore, Joseph Fowler, Thomas Eades.	Joseph Fowler, Thomas Eades, Joseph Rodhouse, Henry Flow- man, Lucy Wheeler, William Tame.

A piece or parcel of land situate in or near Bowman's Place, in the parish of Saint Mary, Islington, in the county of Middlesex, on the north-east side of  
10 the said Bowman's Place, opposite the end of Bowman's Road, bounded on the north-east by Grafton Road, and on the north-west and south-east by houses and premises in Grafton Road and Bowman's Place, and containing sixteen thousand seven hundred square feet or thereabouts, together with all and  
15 singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
20 Robert Harris Valpy, Jonathan Hopkin- son, Edwin Bedford ; the Ecclesiastical Commissioners for England.	Anna Matilda Flowers, Amelia Bridget Pea- chey, George Barlow, William Barlow, John Harvey, Charles James Abbott, George Jobson Brocklesby, William Giles, Rev. William McCall, M.A., John William Hewitt.	Anna Matilda Flowers, George Jobson Brocklesby, William Giles, Rev. William McCall, M.A., Thomas Marshall, Henry Baker, James Warwick, Har- riett Rushbrooke, Thomas Har- ris, Miss Jenkins, Eliza Irons, Samuel Irons, Eliza Smith, Eliza Daley, Thomas Spencer, John Harris, Charles Weight, Eliza Goodwin, Charles Cole, Mrs. Lawford, Mr. Worton, Mrs. Moxford, John Otter, Ann Otter.

A piece or parcel of land situate in or near Plumstead Road, in the parish of Plumstead, in the county of Kent, on the south-west side of Plumstead Road,  
35 bounded on the north-west by the rear of the gardens of the houses in Orchard Road, on the south and south-east by other garden ground, and on the north-east by Plumstead Road, and containing twenty-eight thousand one hundred square feet or thereabouts, together with all and singular the messuages, tene-  
ments, and buildings (if any) now standing and being thereon, with their  
40 appurtenances. The names of the owners, lessee, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

A.D. 1877.

Owners or reputed Owners.	Lessee or reputed Lessee.	Occupiers.
Mrs. Martin Newnham, Sophia Haggis, Han- nah Martin.	William George Brown	Mrs. Martin Newnham, William George Brown, David Williams, Mr. Perryman, Charles Cologne, Mr. Sheppard, Edward Hillyard, 5 William Cottle, Mr. Greenwood, William Brown.

A piece or parcel of land situate in or near Malpas Road, in the parish of St. Paul, Deptford, in the county of Kent, being on the west side of Malpas Road and on the north side of Brockley Road at the junction of those two roads, bounded on the north-west by a private lane, and containing thirteen thousand three hundred and forty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:— 15

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Saint Paul, Deptford.	Robert Wallbutton, Wil- liam H. Jarvis, Alfred Thomas.	Alfred Thomas, George Smith, Marshall Bennett, Joseph Fre- derick Tims.

A piece or parcel of land situate in or near Haggerston Road, in the parish of St. Leonard, Shoreditch, in the county of Middlesex, being on the west side of Haggerston Road, and partly in the rear of the Haggerston Road houses adjoining the Workmen's Club, and containing twenty-five thousand six hundred square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, 20  
with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:— 25

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Elizabeth Butler, Revd. John Banks Meek Butler.	William Neal, Orlando Thomas Attwell, William Appleton, Workmen's Club.	William Fox, William Maughan, Charles Bolton, John Sutton, 30 William Hudson, Mary Ann Wharton, William Scott, Alfred Scott, George Ballard.

A piece or parcel of land situate in or near Cranbrook Road, in the parish of Bethnal Green (St. Matthew), in the county of Middlesex, bounded on the north by Cranbrook Street, east and south by Havelock Road, and on the west by Cranbrook Road, and containing fifteen thousand two hundred and fifty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their 35

appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :— A.D. 1877.

	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
5	Admiral Sir Edward Southwell Sotheby, K.C.B., Charles William Hamilton Sotheby, the Vestry of St. Matthew, Bethnal Green, the East London Waterworks Company, the Imperial Gaslight Company.	Henry Ridge, Edward Ridge, Mrs. Ridge Jones, Joseph Jacobs, Charles Judson, Thomas Wright.	James Whitehead, Sarah Sargent, John Cutting, Samuel Scammell, George Dakin, Elizabeth Oliver, James Dowden, William Marsh, George Summers, William James Madle, George Dew, William Furniss, Henry Prince, Robert Gellard, William Charles England, Samuel Pyatt, William Wake, Charles Dupuy, William Bright, Mr. Wyatt, W. J. Lewington, George Yarnall, George Weal.
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- A piece or parcel of land situate in or near Summerford Street, in the parish of St. Matthew, Bethnal Green, in the county of Middlesex, bounded on the north in part by Southborough Place, on the east by Tap Street, and on the south by Summerford Street, and containing eleven thousand five hundred and ten square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the lessee and occupiers of the said piece or parcel of land and hereditaments are as follows :—

	—	Lessee or reputed Lessee.	Occupiers.
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30		Reuben Button	John Horncastle, James Laws, Emma Atherton, Thomas Baker, Morgan Evans, Richard Cook, John Evans, John Diles, Mr. Spencer, Thomas Garrett, Henry R. Day, Mr. Mason, Frank Ayres, William Wheeler, George Williams, Sarah Heath, James Byers.

- A piece or parcel of land situate in or near Devonshire Street, in the parish of St. Leonard, Shoreditch, in the county of Middlesex, bounded on the north-east by Wimbourn Mews, on the south-east by Wimbourn Street, on the south-west by Devonshire Street, opposite Bristow Street, and on the north-west by cabinet makers' premises in Devonshire Street, and containing nine thousand nine hundred and forty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—



A.D. 1877.

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Earl of Northbrook, Revd. Barrington S. T. Mills, Right Honorable Lord Alington.	Granville Boddy, Eliza Collins, Charles Shep- pard.	Edward Wood, Catherine Dale, Abraham Dale, Edward Dale, John Dunn, John William Horsley, Emma Hewett, Mrs. 5 Belsham, Eliza Taylor, Robert Nash, Edward Evans, Ann Smith, John Sambridge, Wil- liam Rowland, George Hurst, Hepsibah Barham, William Bar- 10 rett, Annie Gregory, William Dally, George Foster, Margaret Roberts, Francis Holmes, Ste- phen Vine, Mary Smith, John Birt. 15

A piece or parcel of land situate in or near East Street, in the parish of Lambeth, in the county of Surrey, on the west side of East Street, opposite the end of Saunders Street, abutting on the north in part the end of King Street, and connected with Regent Street by a passage called Garden Place, and containing fourteen thousand eight hundred and twenty square feet or 20 thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
The Ecclesiastical Commissioners for England, William Thomas Morris, Philip Hedgecock, Maurice Charles Mertiins Swabey, D.C.L., the Vestry of St. Mary, Lam- beth, the Lambeth Waterworks Com- pany, the London Gaslight Company.	James Wallis, Parker Todd, Charles Barton, George Claridge, William Hosford, Charles Bernard Gil- pin, Frederick George Lewis, William Bur- ford, John Gregory Hickman, William Parratt, Sarah Cook, John Charles Chil- lingworth, Richard Smith, Charles Henry Pilgrim, George Wal- ter, junr., Charles Pilgrim.	John Peal, Edward White, John Barlow, William Starmer, George Ray, Catherine Plumm, Thomas Hicks, Mrs. Wools, Isabella Woods, William Woods, John 30 Wort, Mrs. Watts, Mr. Warner, Mr. Gaynham, Aaron Belsham, William Bowden, James Kippen, Edward Thilthorpe, Mr. Davis, Joseph Henry Pritchard, Henry 35 Hewett, Mrs. Callaghan, Ann Peters, Edmund Child, James Eaton, Robert Blissett, Mrs. Littlewood, William Britchford, Mr. Barwick, Mr. Booth, Mr. 40 Bull, George Dold, John Al- brecht, Augustus Fisher, Mrs. Julia Carter, William Scrivens, William King, Richard Till, William Petty, Mr. Green, John 45 Tully, Daniel Larkin, Charles Nightingale, Henry Jackson, Henry Simmonds, Richard Letchford, Coles Kirby, Joseph Maycock, Robert Hillman, 50 Walter Clare, George Fleming.

A piece or parcel of land situate in or near Cator Street, in the parish of Camberwell, in the county of Surrey, abutting west on St. James's Grove, east on Cator Street, and north in part on St. James's Chapel and in part on the houses in Cator Street, and containing twenty-one thousand three hundred and 5 forty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

A.D. 1877.

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
10 George Rolls, Richard E. Rolls, William N. Round, Alfred Rolls, William Killbourn, Charles Joseph 15 Webber.	William Killbourn, Henry Potter, Charles Killbourn, Mary Shute.	Henry Potter, Henry W. Day, John Hellings, William Norris, James Thomas Fantley, James Kent, Frederick Welby, Edward Smec, Martha Jackson, William Binns, Robert Gifford, Edward Lock, Charles Richards, Henry Sadler, Alexander Pain, Hannah Noble.

A piece or parcel of land situate in or near Victoria Road, in the parish of Camberwell, in the county of Surrey, being on the east side of Victoria Road, bounded on the north by the rear of houses in Basing Road, on the east by the rear of houses in York Terrace, and on the south by the rear of houses in Hanover Street, and containing twenty-eight thousand nine hundred and 25 suages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The name of the owner and occupier of the said piece or parcel of land and hereditaments is as follows:—

Owner or reputed Owner.	—	—
William Joseph Glenny		

30 A piece or parcel of land situate in or near Mellison Road, in the parish of Tooting Graveney, in the county of Surrey, being on the south-east side of Mellison Road, and lying between Church Street on the north-east and Brightwell Crescent on the south-west, and containing forty-four thousand five hundred and thirty square feet or thereabouts, together with all and 35 singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The name of the owner and occupier of the said piece or parcel of land and hereditaments is as follows:—

Owner or reputed Owner.	—	—
Dr. John Swan Flower		

A.D. 1877.     A piece or parcel of land situate in or near Warple Way, in the parish of Wandsworth, in the county of Surrey, on the north side of Warple Way, opposite the Wandsworth London and South-western railway station, bounded on the north by a cottage, on the west by the rear of houses in Warple Road, and on the east by other garden ground, and containing thirty-one thousand 5 one hundred and ten square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owners and occupiers of the said pieces or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	—	Occupiers.	10
The Right Honble. Earl Spencer, K.G., John J. Stewart, Trustees of the estate of Abraham Bryant.	- - - -	Jonathan Sage, John Batley, John Swatton, George Peters, George Fuller.	15

A piece or parcel of land situate in or near Bear Lane, in the parish of Christ Church, Southwark, in the county of Surrey, enclosed by Bear Court on the south, by Bear Lane on the west, and by Price's Street on the north, and containing ten thousand two hundred and fifteen square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	25
The Lords in trust of the Manor of Old Paris Garden, the Trustees of Christ Church Parochial Schools.	Edmund Cowell Mul- kern, John Rüntz, William Frederick Copland, William Stocks, Ann Lewis, Charles Lewis, Tho- mas Lewis, Henry Davis Poole, William Charles Ward, the Revd. Thomas Smith.	William Stocks, John F. Bennett, Charles Bennett, Mr. Baker, Henry Line, Mrs. Pinnock, James Kent, John Saunders, William Hurst, William Arnold, George Bateman, Joseph Rag- lass, Mr. Murphitt, Eli Lee, Edwin Lee, Joseph Pearce, Arthur Kirkman, John Barnett, Thomas Taylor, John Coffy, Mrs. Bryant, Henry Parton, Mr. Engeham, Benjamin Jef- feries, Charles Mussell, Joseph Young, Francis Pardom, Mr. Cootes, Frederick Dowie, Wil- liam Tupper, Joseph Miles, Mrs. Davis, Henry William Grims- dale, Charles Wilson, Michael Macarthy, James Wheeler, Julia Bull, William Luckie, William Gowing, Charles Greenwood.	30
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A piece or parcel of land situate in or near Webb Street, in the parish of Bermondsey, in the county of Surrey, enclosed on the north-west by Bermond- sey New Road, on the south-west by Webb Street, on the south-east by Para-

gon Alley, and on the north-east by a builder's yard and premises, and containing fifteen thousand four hundred square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

A.D. 1877.

	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
10	Thomas Hicks, Sir Francis Hicks, James Davis, William Dyson, Eliza Helen Laurie.	James Davis, Joseph Moore, Richard Hill, Miss E. Ewbank, Miss E. Ewbank, Harriet Lowe, Charles White, Catharine Pocock, Enoch Wilkins, West London and Provincial Permanent Building Society.	James Davis, Joseph Moore, Richard Hill, Miss E. Ewbank, Miss C. Ewbank, Catharine Pocock, James Potts, James Bowden, Mr. Guy, Mr. Hitchcock, Mr. Collette, Mr. Taylor, Henry Vorstins, Edward Goodyear, Elizabeth Hill, Gaston Soling, Mrs. Lane, Thomas Goodacre, Mrs. Curtis, Mr. Burges, Mr. Page, Mr. Jackson, Mr. Nagle, Mrs. Bagnall, Mrs. Harriet Bonner, Thomas A. Faulkner, James Grant, George Shearman, George Steel, Isaac Bowden, John Hook, William Breeden, George Beedle, James Appleton, Joseph Laney.
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A piece or parcel of land situate in or near Whitfield Street, in the parish of St. Pancras, in the county of Middlesex, abutting north-west on public house called the "Globe," in part and in other part on other houses in London Street, north-east on Little Howland Street, and south-west on Whitfield Street, and containing seven thousand eight hundred and sixty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owner, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

	Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
35	Major Fairfax William Cartright, M.P.	Charles Bickmore, John King, Philip Oliver Newby, Edward Robert Wymer, William Kynaston Gaskell, Solomon Willott, Joseph Arden, Thomas Cooke, Joseph Marshall, Matilda Marshall, Elizabeth Carline.	Robert Double, Samuel Groves, David Lunn, William McCormack, George King, Mrs. Knoop, Mr. Eyre, Mrs. Shrubsole, William Catchpole, Mr. Saunders, Mrs. Quarry, Mr. Pugh, Mrs. Lambourn, Mr. Stopperton, F. W. Stagg, Thomas Codey, Mr. Reeve, Mrs. Gare, Mrs. Wright, Thomas Connor, Julia Corry, Mr. De la Porte, Catherine Higgins, John R. Kendall, Mrs. Williams, Mr. Goddard, Sarah Willott, Mr. Waters, Mr. North, Mr. James, Mr. Jacks, Mr. Raymond, Mr. Shreizer, Mr. Brown, Mr. Gilbert.
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A.D. 1877. — A piece or parcel of land situate in or near Barrow Hill Road, in the parish of St. Mary-le-bone, in the county of Middlesex, bounded on the north-east by Upper William Street, and on the south-east by Barrow Hill Road, opposite the end of Lower William Street, and containing fourteen thousand five hundred and fifty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	
Colonel Arthur Charles Greville, Edward Bailey, the Duke of Portland.	Robert Cullingford,	John Chapman, Lucy Ann Chapman, Mary Elizabeth Chapman, William Hewitt, Mr. Cull, Mr. Peek, Richard Kemp, Mrs. Sammey, James Easton, Hannah Doughty, Mary Martell, Charles Thurtell, Mrs. Francis, Benjamin Spaul, George Elcome, Mrs. Reed, William Henry Hannah, Mr. Taylor, Eliza Reed, Thomas Clark, Thomas Rice, Mary Capell, Mr. Yeoman, Joseph Goodman, Rebecca Penney, James Eggleton, Sarah Dobson, William Hockley, H. Concepprio.	10
	Frederick George Cullingford, Jane Cullington, Thomas Smith, William Stevens Hatten, Elizabeth Hatten, John Chapman, Lucy Ann Chapman, Mary Elizabeth Chapman, William Joseph Goodchild, William Hewitt, Frederick Collins, Richard John Hilder, Leonard Head, Clara Head, Stephen Stanbridge, Emma Stanbridge, William Henry Libbis, Garrett Nagle, Alfred Harmsworth, Lydia Ann Vincent, Anne Maria Liver-such.		15
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A piece or parcel of land situate in or near Braden Street, in the parish of Paddington, in the county of Middlesex, bounded on the north-east by the rear of houses in Shirland Road, on the south-east by Braden Street, and on the north-west by Sutherland Gardens, and containing twenty-five thousand six hundred square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	
Colonel Inigo William Jones, Reverend John Edward Jackson, Sir John Neeld, Bart.	Philip Wilkinson, Charles Green, Thomas Thompson, Thomas Smith.	John Lock, John Sloss, Mr. Fletcher, John Rogers, Philip White, Mrs. Powell, Mrs. Parks, Edward Harris, William Stan-nard, William Vere, Joseph Brown, Mr. Davis, Elizabeth Clark, Owen Owens, William Painting, John Owens, John Brown, William Sircumbe, James Hall, Walter Clark, Thomas Bevan, John Brunning, James Dalton, William Booth.	45
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A.D. 1877.

A piece or parcel of land situate in or near Dalglish Street, in the parish of St. Ann, Limehouse, in the county of Middlesex, bounded on the south-west by Dalglish Street, on the north and east by Salmon Lane, on the south-east in part by Salmon Street and in part by a public house, the "Lion and Lamb,"  
5 in Dalglish Street, and containing fifteen thousand nine hundred and thirty square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

10	Owner or reputed Owner.	Lessees or reputed Lessees.	Occupiers.
15	Sir Thomas Edward Colebrooke, Baronet, George James John Mair, Wilton Parker Rix, Charles Berry, James Thomas Robertson, Edward Knightly, John Baldwin, Mary Peachey, Henry Lyne Dixon, Emma Barclay, Matilda Macqueen, William Tinney, the Representatives of Jane Caroline Haycock, deceased, M. A. Fennel, Dalton Thomas Miller, Francis Miller, Henry Squires Green, William Edward Newton, Francis Rogers, Mary Ann Newton.	James Smith, Henry James Fenwick Gale, Charles Gapp, William John Abraham Moore.	Charles Gapp, William Clare Archer, James Waygood, William Scott, Mary Waite, Henry Carter, William Love, Josiah Bird, Charles Suckling, Martha Donovan, Michael Leary, John Ralph, Mary Mullins, Henry Waite, Stephen Mackenzie, James Heal, Thomas Forrer, Mr. Waite, William Chater, Henry Teal, John Cooper, Mr. Jacobs, Mr. Macdonald, Henry Porter, Mr. Porter, George Mitcham, Mr. Hopper, John Henry Stern, John George Allen, William Kerrison, Mr. Marsterton, John Woolener, Mr. Banen, John Hargrove, Thomas Benham, Dennis Mahoney, Thomas Loney, John Cremer, John Griffiths, George Clayton, George Wadey, William Fuller, John Evans, John Murrell.
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Three pieces or parcels of land situate in or near Rendlesham Road, in the parish of Hackney, in the county of Middlesex, being in the rear of houses on the west side of Rendlesham Road, together with a piece or parcel of land connecting the same with Rendlesham Road, and abutting north on a proposed new  
40 road, the whole adjoining the School Board Rendlesham Road School premises, and containing four thousand five hundred and twenty-five square feet or thereabouts, together with all and singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owners, lessee, and occupiers of the said pieces or parcels of land  
45 and hereditaments are as follows:—

A.D. 1877.

Owners or reputed Owners.	Lessee or reputed Lessee.	Occupiers.
John S. Barton, Francis G. Orchard.	Ussher Alcock -	John S. Barton, Ussher Alcock.

A piece or parcel of land situate in or near Nelson Street, in the parish of 5  
Bermondsey, in the county of Surrey, abutting east on the School Board  
Nelson Street School premises, south on King's Place, and bounded on the  
west in part by King's Place and in part by houses in Union Place, and con-  
taining four thousand three hundred square feet or thereabouts, together with  
all and singular the messuages, tenements, and buildings (if any) now standing 10  
and being thereon, with their appurtenances. The names of the owners and  
occupiers of the said piece or parcel of land and hereditaments are as follows :—

Owners or reputed Owners.	—	Occupiers.	
Richard Coulston Cock- ing, Mary Ann Coulston Temple, George Coulston Cocking, William Henry Cocking, Jane Coulston Cocking, Charles Augustus Body.	- - - -	William Tapp, J. Loomey, John Murton, Maria Skipp, Elizabeth Batho, James Wingrove, George Clark, C. Murray, James Larey, Joseph Williams, Edwin Walker, Martin Horgan, Hannah Philpott, John Ben- bow, Thomas Smith, Thomas Russ, William Emery.	15      20

A piece or parcel of land situate in or near Rolls Road, in the parish of  
Bermondsey, in the county of Surrey, on the south-west side of Rolls Road,  
and abutting north-west on the School Board Rolls Road School premises, and 25  
containing seventeen thousand three hundred square feet or thereabouts, to-  
gether with all and singular the messuages, tenements, and buildings (if any)  
now standing and being thereon, with their appurtenances. The names of the  
owner and occupier of the said piece or parcel of land and hereditaments are  
as follows :— 30

Owner or reputed Owner.	—	Occupier.
John Rolls - -	- - - -	Frederick Charles Mack.

Two pieces or parcels of land situate in or near Upper North Street, in the  
parish of All Saints, Poplar, in the county of Middlesex, one abutting west  
on Upper North Street, bounded on the north in part by houses in Upper 35  
North Street and in part by a burial ground, on the south in part by houses in  
Upper North Street, and in part by houses in East India Dock Road, and the  
other on the north side of East India Dock Road, facing Wade Street, and  
adjoining the west side of Trinity Chapel, and containing seventeen thousand  
one hundred and eighteen square feet or thereabouts, together with all and 40

singular the messuages, tenements, and buildings (if any) now standing and being thereon, with their appurtenances. The names of the owners, lessee, and occupiers of the said pieces or parcels of land and hereditaments are as follows :—

A.D. 1877.

	Owners or reputed Owners.	Lessee or reputed Lessee.	Occupiers.
5	John Appleton, Sir Thomas Edward Colebrooke, Bart., Rev. Henry Eastfield Bayley, M.A., Henry Green, Thomas Roope, Edward Nathan, Edward Henderson Nathan, George Dunlop, William Nathan, Joseph Hughes, John Warrington Morris, Edmund Walker, William Walker,	James Thompson -	Henry Green, Thomas Roope, Edward Nathan, Edward Henderson Nathan, George Dunlop, William Nathan, Joseph Hughes, John Warrington Morris, Edmund Walker, William Walker, John Allen, William Gilmore Reid, Charles Ross, Thomas Carter, Henry Guy, Daniel Britton, John Remington Mills, George Frederick White, Rev. James Chadburn, Henry William Cook, F. Haddock, Joseph Frederick Green, John Gretton, Frederick Gretton, Thomas Hadden, Stephen Parnell, Alexander A. Scrutton, Thomas Scrutton, William Toplis, Thomas Harvey, John Kirkaldy, William E. Lander, James H. Leake, John Munro, the Poplar District Board of Works, Richard Plant.
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**Elementary Education  
Provisional Order  
Confirmation (London).**

[H.L.]

A

**B I L L**

INTITULED

An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for London to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.

*(Brought from the Lords 14 May 1877.)*

Ordered, by The House of Commons, to be Printed,  
1 June 1877.

[Bill 178.]  
*Under 2 oz.*

A  
B I L L

TO

Amend the Irish Church Act, 1869, so as to enable the Irish Church Body to sell the Cathedral Church of Emly in the county Tipperary, or any other ecclesiastical structure vested in them which they may not require for religious worship. A.D. 1877.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5    1. From and after the passing of this Act, it shall be lawful for the Representative Church Body to sell the Cathedral Church of Emly in the county Tipperary, together with the churchyard or burial ground on which said church stands, and also any other church or ecclesiastical edifice, together with the churchyard or  
 10 burial ground annexed thereto, and vested in them under the 25th section of Irish Church Act, 1869, sub-section (2). Power to Representative Church Body to sell.
2. No such sale shall be valid unless the consent of the Lords Commissioners of Her Majesty's Treasury shall have first been obtained. Restriction of sale.
- 15    3. This Act may be cited as The Irish Church Amendment Act, 1877. Short title.





# Emly Cathedral, &c.

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## B I L L

To amend the Irish Church Act, 1869, so as to enable the Irish Church Body to sell the Cathedral Church of Emly in the county Tipperary, or any other ecclesiastical structure vested in them which they may not require for religious worship.

*(Prepared and brought in by  
Mr. Arthur Moore, Sir C. O'Loughlin, and  
The O'Connor Don.)*

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*Ordered, by The House of Commons, to be Printed,  
7 June 1877.*

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[Bill 189.]  
*Under 1 oz.*

A  
B I L L

TO

Extend the provisions of the Employers and Workmen Act, A.D. 1877.  
1875, to Seamen whilst they are in British Waters.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5    1. This Act may be cited as the Employers and Workmen (Seamen) Extension Act, 1876. Short title.
2. This Act shall come into operation on *the first day of September one thousand eight hundred and s eventy-seven.* Commence-  
ment of Act.
- 10   3. No seaman or apprentice to the sea service shall be liable to imprisonment for deserting within the United Kingdom, nor for neglecting nor for refusing without reasonable cause to join his ship or to proceed to sea in his ship, nor for absence without leave and without sufficient reason from his ship or from his duty, not amounting to desertion or not treated as such by the master, within  
15 the United Kingdom. Seamen not  
to be liable  
to imprison-  
ment for  
certain  
offences.
4. No seaman or apprentice neglecting or refusing to join or deserting from or refusing to proceed to sea in any ship in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave within the United Kingdom, shall be liable  
20 to apprehension, arrest, or detention without warrant, or, instead of being committed to prison, or after committal to prison by any court, to be conveyed on board for the purpose of proceeding on the voyage, or to be delivered to the master or mate or owner of any ship, or his agent, to be by them so conveyed. Seamen, &c.  
not to be  
apprehended  
without  
warrant, &c.  
for certain  
offences.
- 25   5. The enactments of the Employers and Workmen Act, 1875, shall apply to every dispute arising out of or incidental to the contracts and relation between seamen and sea apprentices and ship owners, their agents or masters, as employers ; and the courts Application  
of Employ-  
ers and  
Workmen  
Act, 1875,  
to seamen.
- [Bill 39.]

2 *Employers and Workmen Act (Extension to Seamen)*. [40 VICT.]

A.D. 1877. — in the said Act mentioned shall have all necessary jurisdiction and powers for remitting, determining, or enforcing all forfeiture of clothes, effects, wages, and emoluments or shares authorised by the Merchant Shipping Act, 1854, or any other Act or law now in force. 5

Repeal. 6. The Acts and parts of Acts in the Schedule hereto are hereby repealed.

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SCHEDULE.

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Repeal of  
portion of  
Act of 38 &  
39 Vict, c. 90. 38 & 39 Vict. Cap. 90, Sec. 13, the words "This Act shall not apply to seamen or apprentices to the sea service." 10





# Employers and Workmen Act (Extension to Seamen).

---

A

## B I L L

To extend the Provisions of the Employers and Workmen Act, 1875, to Seamen whilst they are in British Waters.

(Prepared and brought in by  
Mr. Burt, Mr. Joseph Cowen, Mr. Mundella,  
Dr. Cameron, and Mr. Goulley.)

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*Ordered, by The House of Commons, to be Printed,  
9 February 1877.*

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[Bill 39.]

*Under 1 oz.*

# Entails and Settlements Limitation Bill.

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## ARRANGEMENT OF CLAUSES.

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### Clauses.

1. Short title.
  2. Extent of Act.
  3. Commencement of Act.
  4. Definitions.
  5. Abolition of estates tail.
  6. Limitation of power to settle property on unborn persons.
  7. Trustees of real property to have power of sale.
  8. Application of proceeds of sale of settled estates.
  9. Power of leasing settled estates.
  10. Conveyance of real estate without words of limitation to be construed to pass the fee.
  11. Saving as to existing settlements.
-



A

## B I L L

TO

Restrict the Power of Entailing and Settling Land and other A.D. 1877.  
Property.

**W**HEREAS it is expedient to limit the power of creating successive interests in land and other property, and to extend the testamentary and other powers of limited owners of property :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Property Law Amendment Act, Short title.  
1877.

10 2. This Act shall not extend to Scotland.

3. This Act shall come into operation on the *first day of January* Extent of  
Act.  
Commence-  
ment of Act.  
*one thousand eight hundred and seventy-eight*, which date is in this Act referred to as the commencement of this Act.

4. In this Act—

15 The term "Trustees and Mortgagees Act, 1860," means an Act of the session holden in the twenty-third and twenty-fourth years of Her present Majesty, chapter one hundred and forty-five, intituled "An Act to give to trustees, mortgagees, " and others certain powers now commonly inserted in  
20 " settlements, mortgages, and wills :"

The term "Settled Estates Acts " means an Act of the session holden in the nineteenth and twentieth years of Her present Majesty, chapter one hundred and twenty, intituled, "An " Act to facilitate leases and sales of settled estates," and  
25 any Act amending the same :

The terms "settlement " and "settled estates " have respectively the same meaning as in the Settled Estates Acts :

The term "court " means the court having jurisdiction under the Settled Estates Acts or this Act.

[Bill 14.]

A

Definitions.

A.D. 1877.

Abolition of  
estates tail.

5. After the commencement of this Act it shall not be lawful to confer a legal or equitable estate tail in any hereditament.

Expressions which but for this Act would have conferred an estate tail, shall confer an estate in fee simple or other the largest estate which the person conferring the estate is capable of conferring. 5

Limitation  
of power to  
settle pro-  
perty on  
unborn per-  
sons.

6. After the commencement of this Act it shall not be lawful for any person or body corporate, by any deed, will, or other instrument, to dispose of property, real or personal, either directly or indirectly, or by way of use or trust, or by way of appointment in exercise of any power of appointment, or otherwise, to or for the benefit of any person not actually born at the date of the instrument of disposition or appointment, or, if the instrument be testamentary, at the death of the testator, save only in the case where a prior power of appointment over the whole of the property is at the same time given to the parent of such unborn person. 10 15

The power of appointment given to any such parent may, at the option of the person giving the power, be exerciseable either by deed or by will, and if by deed, either jointly with the other parent or not, or by any one or more of those modes exclusively. And any such power of appointment may be either general or in favour of all or any of the children of such parent, exclusively or otherwise, in such manner as the parent or parents exercising the power appoint. 20

But the consent or concurrence of any person, except such other parent, shall not be required to or in any such power of appointment, and no such power shall be capable of being exercised in favour of any child not actually born at the date of the exercise, or be capable of being exercised by deed in favour of an infant except in consideration of the infant's marriage. 25

Trustees of  
real property  
to have  
power of  
sale. See  
23 & 24 Vict.  
c. 145.  
ss. 1-10.

7. Where by any settlement made after the commencement of this Act any hereditament is settled otherwise than upon any public or charitable trust, and is not subject to a power of sale, the settlement shall be construed as conferring a power of sale over the hereditament on the trustees or trustee in whom the legal estate in the hereditament is for the time being vested, or if there be no such trustees or trustee, then on the person for the time being entitled in possession to the receipt of the rents and profits of the hereditament, and all the provisions contained in Part I. of the Trustees and Mortgagees Act, 1860, as modified by this Act, shall apply to every such power of sale. 30 35 40

Application  
of proceeds  
of sale of

8. The proceeds of sale of any settled estate may be invested in any of the investments in which cash under the control of the court

is for the time being authorised to be invested, and may be kept so invested notwithstanding any direction to apply the same in the purchase of land.

A.D. 1877.

settled  
estates.

Any such proceeds may be applied to any of the purposes following; that is to say,

- (1.) The erection of new buildings, including labourers cottages, or the permanent improvement of existing buildings, including labourers cottages, on any other hereditament, subject to the same uses or trusts as the hereditament sold :
- (2.) The permanent improvement by the construction of roads, drains, or otherwise of any hereditament, subject to the same uses or trusts as the hereditament sold.

9. The person or persons having a power of sale over any settled estate shall have power of granting leases of the estate, subject to the conditions on which leases authorised by the Settled Estates Acts may be granted, and all such powers shall have effect as if they had been vested in that person or those persons by order of the court.

Power of  
leasing  
settled  
estates. See  
19 & 20 Vict.  
c. 120. ss. 2,  
10, 32.

Provided as follows :

- (1.) This section shall not apply to any settlement made before the commencement of this Act :
- (2.) This section shall not vest a power of leasing in any person where the same power is by the settlement or by virtue of section thirty-two of the Settled Estates Act, 1856, vested in any other person or persons .

10. Where by any instrument made after the commencement of this Act, any hereditament is conveyed to any person without any words of limitation, the conveyance shall be construed to pass the fee simple or other the whole estate or interest which the person executing the conveyance had power to dispose of in that hereditament, unless a contrary intention appears by the instrument of conveyance.

Conveyance  
of real estate  
without  
words of  
limitation  
to be con-  
strued to  
pass the fee.

11. Nothing in this Act shall invalidate the provisions of any instrument made before the passing of this Act, whereby property is required to be settled in a manner inconsistent with the provisions of this Act, and notwithstanding anything in this Act, any such property may be settled in accordance with those requirements.

Saving as to  
existing  
settlements.

# **Entails and Settlements Limitation.**

A

## **B I L L**

To restrict the Power of Entailing and  
Settling Land and other Property.

*(Prepared and brought in by  
Mr. Stuart Lejeune, Mr. W. B. Beaumont,  
Mr. Osborne Morgan, Mr. Herschell, and  
Mr. Goldsmid.)*

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*Ordered, by The House of Commons, to be Printed  
9 February 1877.*

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[Bill 14.]

*Under 1 oz.*

A  
B I L L

TO

Raise a sum by Exchequer Bills or Exchequer Bonds for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-seven. A.D. 1877.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

*Preliminary.*

1. This Act may be cited as the Exchequer Bills and Bonds Act, Short title. 1877.

15 *Exchequer Bills and Bonds.*

2. Towards raising the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-seven, it shall be lawful for the Commissioners of Her Majesty's Treasury, at any time or times not later than the said thirty-first day of March, to raise any sum or sums, not exceeding in the whole *seven hundred thousand pounds*, by the issue of Exchequer bills or Exchequer bonds in manner provided by the Exchequer Bill and Bonds Act, 1866, so, however, that no Exchequer bond shall be made out for any sum less than *one hundred pounds*.

Treasury may raise 700,000*l.* by Exchequer bills or bonds.  
29 & 30 Vict. c. 25.

Every Exchequer bond issued in pursuance of this Act shall provide for the paying off of such bond at par at any period not exceeding *three* years nor less than *twelve* months from the date of such bond.

[Bill 114.]



A.D. 1877.

Interest on  
bond and re-  
payment of  
principal.

3. The interest on all Exchequer bonds issued in pursuance of this Act shall be charged upon and issued out of the Consolidated Fund of the United Kingdom, or out of the growing produce thereof.

The principal money secured by every Exchequer bond issued in pursuance of this Act shall be repaid out of money provided by Parliament for the purpose.

Payment of  
money raised  
to Consoli-  
dated Fund.

4. All money raised by Exchequer bonds issued in pursuance of this Act shall be paid into the receipt of Her Majesty's Exchequer and carried to the Consolidated Fund of the United Kingdom.

10

Extension  
of 29 & 30  
Vict. c. 25.  
as to forgery,  
&c. to bonds.

5. Section fifteen of the Exchequer Bills and Bonds Act, 1866, (which section relates to the forgery of Exchequer bills,) shall apply to all Exchequer bonds issued in pursuance of this Act in like manner as if it were herein enacted with the substitution of Exchequer bond for Exchequer bill.

15

Recited Act  
and this Act  
may be cited  
together.

6. The Act of the session of the twenty-ninth and thirtieth years of the reign of Her present Majesty, chapter twenty-five, intituled "An Act to consolidate and amend the several laws regulating the preparation, issue, and payment of Exchequer bills and bonds," is in this Act referred to as the Exchequer Bills and Bonds Act, 1866, and that Act and this Act may be cited together as the Exchequer Bills and Bonds Acts, 1866 and 1877.

20



# Exchequer Bills and Bonds (£700,000).

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A

## B I L L

To raise a sum by Exchequer Bills or  
Exchequer Bonds for the service of  
the year ending on the thirty-first day  
of March one thousand eight hundred  
and seventy-seven.

*(Prepared and brought in by  
Mr. Raikes, Mr. Chancellor of the Exchequer,  
and Mr. William Henry Smith.)*

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*Ordered, by The House of Commons, to be Printed,  
14 March 1877.*

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[Bill 114.]

*Under 1 oz.*

A  
B I L L

TO

Amend the Law relating to the Confirmation, Liabilities, and Powers of Gratuitous Executors in Scotland. A.D. 1877.  
—

**W**HEREAS it is desirable to increase the facilities for expediting confirmations and administering executries in Scotland :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act shall extend to Scotland only, and may be cited as "The Executry (Scotland) Amendment Act, 1877." Extent and Title of Act.

2. When the whole real and personal estate and effects of a testate shall not exceed in value *two hundred pounds* sterling, the sheriff clerk of the county, or the commissary clerk of the commissariat, within which such testate was domiciled at the time of death, or the clerk of the commissary court of Edinburgh, on production of the will or other writing of such testate, shall prepare and fill up an inventory of the personal estate and effects of such testate and relative oath as nearly as may be in the form of Schedule A., and on such oath being duly taken by the executor-nominate, special or general donee, or special or universal or residuary legatee, the said clerk shall record the said inventory, and also the will or other writing, but that only if it has not been previously registered as herein-after mentioned, and shall expedite and deliver to such executor-nominate, special or general donee or special or universal or residuary legatee a confirmation as nearly as may be in the form of Schedule B. When whole testate estate does not exceed 200*l.* sheriff or commissary clerk to prepare inventory, &c. and expedite confirmation on application of executor-nominate, &c.  
Form of inventory.  
Form of confirmation.

3. When the whole real and personal estate and effects of an intestate shall not exceed in value *two hundred pounds* sterling, the sheriff clerk of the county, or the commissary clerk of the commissariat, within which such intestate was domiciled at the time of death, or the clerk of the commissary court of Edinburgh, When whole intestate estate does not exceed 200*l.* sheriff or commissary clerk

[Bill 140.]

A

A.D. 1877.

to prepare  
inventory,  
&c., and  
expede con-  
firmation on  
application  
of next of  
kin, &c.  
Form of  
inventory.

Form of  
confirmation.

Effect of  
confirmation.

Clerks must  
satisfy them-  
selves of  
value of  
estate and of  
proof of  
character or  
relationship  
of applicant.

Before whom  
oaths may be  
taken.

Procedure  
and fees.

Stamp duty  
on estates  
not exceed-  
ing 200*l*.  
abolished,  
and under  
450*l*.  
modified.

on the application of the widow, parent, children, or other next of kin, creditor, or any other person interested in the estate of such intestate, shall prepare and fill up an inventory of the personal estate of such intestate and relative oath as nearly as may be in the form of Schedule C., and on such oath being duly taken and caution found 5 by the applicant to the satisfaction of the sheriff or commissary, with or without publication of any petition for restriction of caution as he may see cause, the said clerk shall record said inventory, and expede and deliver to the applicant a confirmation as nearly as may be in the form of Schedule D. 10

**4.** The said confirmations respectively shall have the same force and effect as those prescribed in Schedules E. and D. annexed to the Act of the 21st and 22nd Vict., chapter 56. When they contain English or Irish estates the registrars of any probate court in England or Ireland shall affix the seal of said court thereto on the 15 application of the sheriff or commissary clerk, and the payment of a fee not exceeding *two shillings and sixpence*.

**5.** The sheriff or commissary clerk shall not proceed with the confirmation until he has reason to believe that the true value of the whole real and personal estate and effects of which the testate 20 or intestate died possessed does not exceed *two hundred pounds* sterling; and if he is not satisfied with the proof of the character or relationship of the person applying for confirmation, or if there is a competition for the office of executor, he shall report the same to the sheriff or commissary whose decision shall be final. 25

**6.** Oaths and affirmations under this Act may be taken either before the sheriff or commissary, the sheriff or commissary clerk, any commissioner appointed by the sheriff or commissary, any notary public, magistrate, or justice of the peace within the United Kingdom or the colonies, or any British consul. 30

**7.** Any rules and orders and tables of fees requisite for carrying this Act into operation shall be framed, and may from time to time be altered by the Court of Session by Act of Sederunt, but the total amount to be charged shall not in any case exceed the sums mentioned in Schedule E. 35

**8.** No stamp duty shall be chargeable on any inventory when the whole personal estate and effects shall be sworn not to exceed and shall not actually exceed in value *two hundred pounds* sterling; but the duty chargeable on testate estates above *two hundred pounds* and under *three hundred pounds*, and above *three hundred pounds* 40 and under *four hundred and fifty pounds*, shall be *three pounds* and

*five pounds* respectively, and the duty chargeable on intestate estates of similar values shall be *five pounds* and *eight pounds* respectively. A.D. 1877.

9. The registration of any will or other writing in the books of council and session, or in those of any sheriff court, or in the general or appropriate burgh register of sasines, shall, for the purpose of confirmation, be equivalent to its registration in the books of the court in which confirmation is afterwards expedite, and shall supersede the recording in the books of that court of such will or other writing, or of the official extract thereof.

Registration of will in books of session, &c. supersedes registration in books of court in which confirmation expedite.

10. The provision of the Act 4 George IV., c. 98, entitled "An Act for the better granting of confirmations in Scotland," that Caution shall not require to be found by executors nominate shall henceforth be applicable to and include special and general disponees and special and universal or residuary legatees.

Caution not required by disponees or legatees.

11. The appointment of gratuitous executors, whether original or assumed, shall be held to include the following provisions, unless the contrary be expressed, that is to say: that the majority acting shall be a quorum; that the whole or quorum or an only executor may assume new executors; that an executor may resign; that executors may discharge any of their number who have resigned and the representatives of those who have died; that executors may compromise or submit and refer all claims connected with the executry, and without the authority of a decree pay such debts as they are satisfied are proper debts against the executry; that executors shall not be liable for omissions, and that each shall be liable for his own acts and intromissions only and not for those of his co-executors.

Provisions included in appointment of gratuitous executors.

12. The resignation and assumption of gratuitous executors shall as nearly as possible be in the forms authorised by the tenth and eleventh sections of "The Trusts (Scotland) Act, 1867," and relative schedules for the resignation and assumption of "gratuitous trustees."

Forms of their resignation and assumption.

13. Nothing contained in this Act shall affect the liability incurred by any gratuitous executors prior to the date of any resignation or assumption under the provisions hereof nor any action at law commenced before the passing hereof.

Liability incurred before resignation not affected.

14. A "gratuitous executor" shall, for the purposes of this Act, mean and include not only all executors who are not entitled as such to remuneration for their services, but also all executors, whether original or assumed, who are entitled to receive any legacy,

Definition of "gratuitous executor."

A.D. 1877. bequest, or annuity: Provided always, that no executor to whom  
— any legacy, bequest, or annuity is expressly given on condition of  
the recipient thereof accepting the office of executor shall be  
entitled to resign the office of executor by virtue of this Act, unless  
otherwise expressly declared in the deed or other writing under 5  
which he is appointed.

Interpreta-      15. The words “sheriff,” “commissary,” “sheriff clerk,” and  
tion of terms.      “commissary clerk” include their respective substitutes or  
deputes.

## SCHEDULES.

A.D. 1877.

## I. TESTATE ESTATES.

## SCHEDULE A. S. 2.

*Form of Inventory and Relative Oath.*

5 Inventory of the personal estate and effects wheresoever situated of *A.B.* [*design deceased*], who died testate, on the day of 18 , at , and at the time of death had his [*or her*] ordinary or principal domicile in the county of *A.*

10 I. *Scotland.*

1. Cash in the house - - - £
  2. Household furniture and other effects in the house conform to inventory and valuation by - -
  3. Stock-in-trade and other effects belonging to deceased
  - 15 4. Money in bank - - - £
- Interest thereon to date of oath to inventory

Amount of personal estate in Scotland - - £

II. *England.*

- 20 1. Principal sum in policy of insurance on life of deceased by the *A.B.* insurance company, numbered and dated 18 - - - £
- Vested bonuses - - -

Amount of personal estate in England - £

- 25 Total amount of personal estate in Scotland }  
and England - - - } £

[*Add under Scotland or England any other estate in usual form.*]

At on the day of  
18 , in presence of .

- 30 Appeared *C.D.* [*design deponent*], who being solemnly sworn and examined depones: That the said *A.B.* [*repeat designation*] died  
[140.] A 3



A.D. 1877. testate, on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, at \_\_\_\_\_, and at the time of death had his [*or her*] ordinary or principal domicile in the county of *A.*: That the deponent is the executor nominate [*or one of the executors nominate, or the general disponent or universal or residuary legatee as the case may be*] of the said *A.B.* conform to his [*or her*] will [*or other testamentary settlement or writing*], dated the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, and registered in the books of council and session [*or in the sheriff court books of the said county or otherwise as the case may be*] on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_,] 10 and as such has [*in the case of executors say along with his or her co-executors E.F. & G.H.*] entered upon the possession and management of the personal estate or effects of the said *A.B.*: That the said will (or other writing or the official extract of the said will or other writing) is now exhibited and signed by the deponent, and 15 as relative hereto: That the deponent does not know of any other will or testamentary settlement or writing relative to the disposal of the personal estate or effects of the deceased or any part thereof: That the foregoing inventory signed by the deponent and the said \_\_\_\_\_ as relative hereto is a full 20 and complete inventory of the personal estate and effects of the said deceased *A.B.* wheresoever situated and belonging or due to him [*or her*] beneficially at the time of death in so far as the same has come to the knowledge of the deponent: That the value at this date of the whole real and personal estate and effects, including the 25 proceeds accrued thereon down to this date, does not exceed £200 sterling: That confirmation of the said personal estate and effects in Scotland [*England and Ireland, as the case may be*] is required in favour of the deponent [*and the said \_\_\_\_\_ if there is more than one executor nominated*]. All which is truth, as the 30 deponent shall answer to God.

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#### SCHEDULE B. S. 2.

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##### *Form of Confirmation.*

*Confirmation issued under the Act & Vict. cap. .*

Confirmation in favour of *C.D.*, residing at \_\_\_\_\_, 35 executor nominate [*or general disponent or universal or residuary Legatee*] of *A.B.* [*design deceased*], who died testate on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_ at \_\_\_\_\_, and at the time of death had his [*or her*] ordinary or principal domicile in the county of *A.*

The said deceased *A.B.* had pertaining and resting owing to him A.D. 1877.  
[or her] at the time of death, the following personal estate and  
effects, viz. :

[Take in particulars of estate as specified in the inventory.]

5 I, *E.F.*, Esquire, sheriff [or commissary] of the said county  
of *A.*, CONSIDERING that the said *A.B.* died testate on the  
day of 18  
at and at the time of death had his [or her]  
ordinary or principal domicile in the said county of *A.*; AND  
10 FURTHER CONSIDERING that the said *A.B.* by his [or her] will  
[or other testamentary settlement or writing] dated the  
day of 18, and recorded in [specify register, and  
date of registration] upon the day of  
18, nominated and appointed the said *C.D.* to be his [or her]  
15 executor [or general donee or universal or residuary legatee,  
as the case may be]: AND NOW SEEING that the said *C.D.* as  
executor nominate [or otherwise as aforesaid] has given up on oath  
an inventory of the whole personal estate and effects of the said  
*A.B.* at the time of his [or her] death, situated in Scotland [and  
20 England and Ireland, as the case may be], amounting in value  
to £, as therein and herein-before set forth, and has  
deponed that the whole real and personal estate and effects of the  
said deceased *A.B.* do not exceed in value £200, and that the said  
inventory has been recorded in my court books on the  
25 day of 18 : THEREFORE I, in Her Majesty's name  
and authority, RATIFY, APPROVE, and CONFIRM the nomination of  
executor [or otherwise as aforesaid] contained in the foresaid will  
(or other testamentary settlement or writing), and I GIVE and  
COMMIT to the said *C.D.* full power to uplift, receive, administer,  
30 and dispose of the said personal estate and effects, grant discharges  
thereof, if needful to pursue therefor, and generally every other  
thing concerning the same to do that to the office of an executor  
nominate is known to belong: Providing always, that he shall render  
just count and reckoning for his intromissions therewith when and  
35 where the same shall be legally required.

Given under the seal of office of the sheriffdom [or Com-  
missariat] of the county of *A.*, and signed by the clerk of  
court at on the day of  
18.

A.D. 1877.

## II. INTESTATE ESTATES.

## SCHEDULE C. S. 3.

*Form of Inventory and Relative Oath.*

Inventory of the personal estate and effects wheresoever situated of *A.B. (design deceased)*, who died intestate on the \_\_\_\_\_ day 5 of \_\_\_\_\_ 18\_\_\_\_, at \_\_\_\_\_, and at the time of death had his [*or her*] ordinary or principal domicile in the county of *A.*

I. *Scotland.*

1. Cash in the house	-	-	-	-	£	10
2. Household furniture and other effects in the house conform to inventory and valuation by	-	-	-	-	-	
3. Stock-in-trade and other effects belonging to deceased	-	-	-	-	-	
4. Money in bank	-	-	-	-	£	15
Interest thereon to date of oath to inventory						

Amount of personal estate in Scotland - - £

II. *England.*

1. Principal sum in policy of insurance on life of deceased by the <i>A.B.</i> Insurance Company, numbered						20
and dated						
18	-	-	-	-	£	
Vested bonuses	-	-	-	-	-	

Amount of personal estate in England - - £

Total amount of personal estate in Scotland } £ 25  
and England - - - - }

[*Add under Scotland or England any other estate in usual form.*]

At \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_ one A.D. 1877.  
 thousand eight hundred and \_\_\_\_\_, in presence  
 of \_\_\_\_\_.

Appeared *C.D.* [*design deponent*], who, being solemnly sworn  
 5 and examined, depones, that the said *A.B.* [*repeat designation*]  
 died intestate upon the \_\_\_\_\_ day of  
 18 \_\_\_\_\_, at \_\_\_\_\_ and at the time of death had  
 his [*or her*] ordinary or principal domicile in the county of *A*;  
 That the deponent is the *widow* [*or child, or other next of kin,*  
 10 *or creditor, as the case may be*] of the said deceased *A.B.*, and is  
 desirous to enter upon the possession and management of the  
 deceased's estate as his [*or her*] executor: That the deponent does  
 not know of any testamentary settlement or writing relative to the  
 disposal of the deceased's personal estate or effects, or any part  
 15 thereof: That the foregoing inventory, signed by the deponent and  
 the said \_\_\_\_\_ as relative hereto, is a full and complete  
 inventory of the personal estate and effects of the said deceased  
 wheresoever situated and belonging or due to him (*or her*) benefi-  
 cially at the time of death, in so far as the same has come to the  
 20 deponent's knowledge: That the value at this date of the whole  
 real and personal estate and effects, including the proceeds accrued  
 thereon down to this date, does not exceed two hundred pounds  
 sterling: That confirmation of the said personal estate in Scotland  
 [*England and Ireland, as the case may be*] is required in favour of  
 25 the deponent. All which is truth, as the deponent shall answer to  
 God.

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SCHEDULE D. S. 3.

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*Form of Confirmation.*

Confirmation issued under the Act \_\_\_\_\_ and \_\_\_\_\_ Vict.,  
 30 \_\_\_\_\_ cap. \_\_\_\_\_.

Confirmation dative in favour of *C.D.*, residing at  
 \_\_\_\_\_, [*widow, child, or otherwise as case may be*] of  
*A.B.* [*design deceased*] who died intestate on the \_\_\_\_\_ day of  
 18 \_\_\_\_\_, at \_\_\_\_\_ and at the time of  
 35 death had his [*or her*] ordinary or principal domicile in the county  
 of *A*.

[140.]

B

A.D. 1877. The said deceased *A.B.* had pertaining and resting owing to him  
 [or her] at the time of death the following personal estate and  
 effects, viz. :

[*Take in particulars of estate as specified in the inventory.*]

I, *E.F.*, Esquire, Sheriff [or Commissary] of the said county 5  
 of *A*, considering that the said *A.B.* died intestate, on  
 at , and at the time  
 of death had his [or her] ordinary or principal domicile in the  
 said county of *A* : AND NOW SEEING that *C.D.* his widow [or  
*child, or otherwise as case may be*] has given up, on oath, an 10  
 inventory of the personal estate and effects of the said *A.B.* at  
 the time of death, including the proceeds accrued thereon to date  
 of oath, situated in Scotland [*England and Ireland, as the case*  
*may be*] amounting in value to and has  
 deponed that the whole real and personal estate and effects of the 15  
 said *A.B.* do not exceed in value 200*l.*, which inventory as before  
 written has been recorded in my court books, of date

and that the *C.D.* has likewise found caution to my  
 satisfaction for his [or her] acts and intromissions as executor :  
 THEREFORE I, in Her Majesty's name and authority, DECERN, MAKE, 20  
 CONSTITUTE, ORDAIN, and CONFIRM the said *C.D.* executor dative qua  
 relict [or next of kin, or otherwise as the case may be] to the  
 deceased, with full power to him [or her] to uplift, receive, ad-  
 minister, and dispose of the said personal estate and effects, and  
 grant discharges thereof, if needful to pursue therefor, and generally 25  
 every other thing concerning the same to do that to the office of  
 executor dative is known to belong : PROVIDING always that he [or  
*she*] shall render just count and reckoning for his [or her] intro-  
 missions therewith when and where the same shall be legally  
 required. 30

Given under the seal of office of the sheriffdom [or  
*Commissariat*] of , and signed by  
 the clerk of court at , the  
 day of one thousand eight hundred  
 and 35

Sheriff or Commissary Clerk.

SCHEDULE E. S. 7.  

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A.D. 1877.  

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III. TABLE OF FEES FOR BOTH ESTATES.  

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Where the whole estate and effects of the intestate shall not exceed in value twenty pounds, the sum of five shillings, and where  
5 they shall exceed in value twenty pounds, the sum of five shillings and the further sum of one shilling for every ten pounds or fraction of ten pounds by which the value shall exceed twenty pounds; and in testate estates the like fees, together with the ordinary charges exigible for the recording of the will or other writing of the testate.

# **Executors (Scotland).**

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A

## **B I L L**

To amend the Law relating to the Confirmation, Liabilities, and Powers of Gratuitous Executors in Scotland.

*(Prepared and brought in by  
Mr. James Barclay, Mr. Anderson, and  
Mr. Mackintosh.)*

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*Ordered, by The House of Commons, to be Printed,  
18 April 1877.*

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[Bill 140.]

*Under 1 oz.*

A  
B I L L

INTITULED

An Act to amend the Acts seventeenth and eighteenth A.D. 1877.  
Victoria, chapter one hundred and thirteen, and thirtieth  
and thirty-first Victoria, chapter sixty-nine.

**B**E it enacted by the Queen's most Excellent Majesty, by and  
with the advice and consent of the Lords Spiritual and  
Temporal, and Commons, in this present Parliament assembled,  
and by the authority of the same, as follows :

- 5    1. The Acts mentioned in the Schedule hereto shall, as to any Application  
of Acts in  
Schedule.  
testator or intestate dying after the thirty-first December one  
thousand eight hundred and seventy-seven, be held to extend to  
a testator or intestate dying seised or possessed of or entitled to  
any land or other hereditaments of whatever tenure which shall at  
10 the time of his death be charged with the payment of any sum or  
sums of money by way of mortgage, or any other equitable charge,  
including any lien for unpaid purchase money; and the devisee  
or legatee or heir shall not be entitled to have such sum or sums  
discharged or satisfied out of any other estate of the testator or  
15 intestate unless (in the case of a testator) he shall within the  
meaning of the said Acts have signified a contrary intention; and  
such contrary intention shall not be deemed to be signified by a  
charge of or direction for payment of debts upon or out of residuary  
real and personal estate or residuary real estate.
- 20    2. This Act shall not extend to Scotland. Act not to  
extend to  
Scotland.

S C H E D U L E.

- |                       |   |  |
|-----------------------|---|--|
| 17 & 18 Vict. c. 113. | - | An Act to amend the law relating to the<br>administration of the estates of deceased<br>persons. |
| 30 & 31 Vict. c. 69.  | - | An Act to explain the operation of the Act<br>17 & 18 Vict. c. 113.                              |

[Bill 151.]







# Exoneration of Charges.

[H.L.]

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A

## B I L L

INTITLED

An Act to amend the Acts seventeenth and eighteenth Victoria, chapter one hundred and thirteen, and thirtieth and thirty-first Victoria, chapter sixty-nine.

(*Brought from the Lords 23 April 1877.*)

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*Ordered, by The House of Commons, to be Printed,  
30 April 1877.*

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[Bill 151.

*Under 1 oz.*

A  
B I L L

TO

Continue various expiring Laws.

A.D. 1877.

**W**HEREAS the several Acts mentioned in column one of the schedule to this Act are, to the extent specified in column two of that schedule, limited to expire on the thirty-first day of December one thousand eight hundred and seventy-seven :

5 And whereas it is expedient to provide for the continuance as in this Act mentioned of such Acts, and of the enactments amending the same :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and  
10 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Expiring Laws Continuance Act, 1877. Short title.

15 2. The Acts mentioned in column one of the schedule to this Act, in so far as they are temporary in their duration, shall, to the extent in column two of the said schedule mentioned, be continued until the thirty-first day of December one thousand eight hundred and seventy-eight, and any enactments amending or affecting the enactments continued by this Act shall, in so far as they are  
20 temporary in their duration, be continued in like manner. Continuance  
of Acts in  
schedule.



A.D. 1877.

SCHEDULE.

1. Original Acts.	2. How far continued.	3. Amending Acts.	
(1) 5 & 6 Will. 4. c. 27. Linen, Hempen, Cotton, and other Manufactures (Ireland).	The whole Act so far as it is not repealed.	3 & 4 Vict. c. 91. (except ss. 18 and 23). 5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60.	5    10
(2) 3 & 4 Vict. c. 89. Poor Rates, Stock in Trade Exemption.	The whole Act.	—	
(3) 4 & 5 Vict. c. 35. Copyhold, Inclosure, and Tithe Commissioners.	So much as relates to the appointment of and the period for holding office by Commissioners and other officers.	14 & 15 Vict. c. 53. 25 & 26 Vict. c. 73.	15
(4) 4 & 5 Vict. c. 59. Application of Highway Rates to Turnpike Roads.	The whole Act.	—	20
(5) 10 & 11 Vict. c. 32. Landed Property Improvement (Ireland).	As to powers of Commissioners.	12 & 13 Vict. c. 59. 13 & 14 Vict. c. 31. 25 & 26 Vict. c. 29. 29 & 30 Vict. c. 40.	25
(6) 10 & 11 Vict. c. 98. Ecclesiastical Jurisdiction.	As to provisions continued by 21 & 22 Vict. c. 50.	—	30
(7) 11 & 12 Vict. c. 32. County Cess (Ireland).	The whole Act	20 & 21 Vict. c. 7.	35
(8) 11 & 12 Vict. c. 107. Sheep and Cattle Diseases.	The whole Act as to Ireland.	16 & 17 Vict. c. 62. 29 & 30 Vict. c. 4. 33 & 34 Vict. c. 36. 35 & 36 Vict. c. 16. 37 & 38 Vict. c. 6.	40
(9) 14 & 15 Vict. c. 104. Episcopal and Capitular Estates Management.	The whole Act so far as it is not repealed.	17 & 18 Vict. c. 116. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124. 31 & 32 Vict. c. 114. s. 10.	45
(10) 17 & 18 Vict. c. 102. Corrupt Practices Prevention.	The whole Act so far as it is not repealed.	21 & 22 Vict. c. 87. 26 & 27 Vict. c. 29. 31 & 32 Vict. c. 125.	



A.D. 1877.

1. Original Acts.	2. How far continued.	3. Amending Acts.
(11) 5 23 & 24 Vict. c. 19. Dwell- ings for Labouring Classes (Ireland).	The whole Act.	—
(12) 24 & 25 Vict. c. 109. Salmon Fishery (England) Act.	As to appointment of in- spectors, s. 31.	—
(13) 10 25 & 26 Vict. c. 97. Salmon Fisheries (Scotland).	As to the powers of com- missioners, &c.	26 & 27 Vict. c. 50. 27 & 28 Vict. c. 118.
(14) 15 26 & 27 Vict. c. 105. Pro- missory Notes.	The whole Act.	—
(15) 27 & 28 Vict. c. 9. Malt for Animals.	The whole Act.	—
(16) 20 27 & 28 Vict. c. 20. Pro- missory Notes and Bills of Exchange (Ireland).	The whole Act.	—
(17) 25 28 & 29 Vict. c. 46. Militia Ballots Suspension.	The whole Act.	—
(18) 28 & 29 Vict. c. 66. Charging of Malt Duty by Weight.	The whole Act so far as it is not repealed.	29 & 30 Vict. c. 64.
(19) 30 28 & 29 Vict. c. 83. Loco- motives on Roads.	The whole Act.	—
(20) 29 & 30 Vict. c. 52. Pro- secution Expenses.	The whole Act.	—
(21) 35 31 & 32 Vict. c. 125. Elec- tion Petitions and Cor- rupt Practices.	The whole Act.	—
(22) 40 32 & 33 Vict. c. 21. Elec- tion Commissioners Ex- penses.	The whole Act - -	34 & 35 Vict. c. 61.
(23) 45 34 & 35 Vict. c. 87. Sunday Observance Prosecutions.	The whole Act.	—
(24) 34 & 35 Vict. c. 105. Petroleum.	The whole Act.	—

**Expiring Laws Con-  
tinuance.**

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A

**B I L L**

To continue various expiring Laws.

(Prepared and brought in by  
*Mr. William Henry Smith and Mr. Attorney  
General.*)

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*Ordered, by The House of Commons, to be Printed,  
31 July 1877.*

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[Bill 272.]

*Under 1 oz.*

# Factories and Workshops Bill.

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## ARRANGEMENT OF CLAUSES.

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### *Preliminary.*

#### Clause.

1. Short title.
2. Commencement of Act.

## PART I.

~~GENERAL LAW RELATING TO FACTORIES AND WORKSHOPS.~~

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## FACTORIES AND WORKSHOPS BILL.

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*To be substituted for the Bill delivered yesterday.*

April 12, 1877.

during fixed period of employment.

10. Period of employment, time for meals, and length of continuous employment for young persons and women in a textile factory.
11. Period of employment for children either in morning and afternoon sets, or on alternate days, and length of continuous employment in textile factory.
12. Period of employment, time for meals, and length of continuous employment for young persons and women in non-textile factory and young persons in a workshop.

[Bill 123.] +

a



## Clause.

13. Period of employment for children either in morning and afternoon sets, or on alternate days, and length of continuous employment in non-textile factories and workshops.
14. Period of employment, time for meals, and length of continuous employment for women in workshops.
15. Exception as to employment of women, young persons, and children in domestic workshops.
16. Meal hours to be simultaneous, and employment during meal time forbidden.
17. Notice fixing period of employment, hours of meals, and mode of employment of children.
18. Prohibition of employment of children under ten.
19. Prohibition of employment of children, young persons, and women on Sunday.

(4.) *Holidays.*

20. Days to be observed as holidays, half holidays to be allowed in factories and workshops.

(5.) *Education of Children.*

21. Attendance at school of children employed in a factory or workshop.
22. School attendance certificate to be obtained by occupier of factory or workshop.
23. On application of teacher, occupier to pay sum for schooling of child, and deduct it from wages.
24. Employment as young person of child of 13 obtaining educational certificate.

(9.) *Certificates of Fitness for Employment.*

25. Certificate of fitness for employment of children and young persons under 16 in factories.
26. Certificate of fitness for employment of children and young persons under 16 in workshops.
27. Power of inspector to require surgical certificate of capacity of child or young person under 16 for work.
28. Supplemental provisions as to certificates of fitness for employment.

*Accidents.*

Clause.

- 29. Notice to be given of accidents causing death or bodily injury.
- 30. Certifying surgeon to investigate accidents, and report thereon.

## PART II.

SPECIAL PROVISIONS RELATING TO PARTICULAR CLASSES OF  
FACORIES AND WORKSHOPS.(1.) *Special Provisions for Health in certain Factories and Workshops.*

- 31. Limewashing and washing of the interior of factories and workshops.
- 32. Limewashing, painting, and washing of the interior of bake houses.
- 33. Provision as to sleeping places near bakehouses.
- 34. Provision as to ventilation by fan in factories and workshops.
- 35. Protection of workers in wet-spinning.

(2.) *Special Restrictions as to Employment, Meals, and Certificates of Fitness.*

- 36. Prohibition of employment of children and young persons in certain factories or workshops.
- 37. Meals not to be taken in certain parts of factories and workshops.
- 38. In print works and bleaching and dyeing works, period of employment and time allowed for meals.
- 39. Requirement of certificates of fitness for employment of children and young persons under 16 in certain workshops.

(3.) *Special Exceptions relaxing general Law in certain Factories and Workshops.*(a.) *Period of Employment.*

- 40. Period of employment between 8 a.m. and 8 p.m. in certain trades.
- 41. Power to Secretary of State to allow period of employment between 9 a.m. and 9 p.m. in certain cases.
- 42. Power in lace factories to work male young persons above 16 between 4 a.m. and 10 p.m.

[123.]

a 2

## Clause.

- 43. Power of working male young persons above 16 in bakehouses.
- 44. Substitution by Secretary of State of another half holiday for Saturday.
- 45. Employment in Turkey red dyeing on Saturday up to 4.30 p.m.
- 46. Giving half holidays and holidays on different days to different sets of children, young persons, and women.
- 47. Employment of young persons and women by Jewish occupiers of factories or workshops.
- 48. Employment of Jews by Jews on Sunday.

(b.) *Meal Hours.*

- 49. Exception as to meal hours being simultaneous, and exception as to employment or remaining in room where manufacturing process is carried on during meal hours.

(c.) *Overtime.*

- 50. Power to employ young persons of 14 and women for 14 hours a day.
- 51. Power to employ for half an hour after end of work where process is in an incomplete state.
- 52. Employment of young persons and women in Turkey red dyeing and open air bleaching to prevent damage.
- 53. Employment of women for 14 hours a day to preserve perishable articles.

(d.) *Nightwork.*

- 54. Employment of male young persons of 14 at night.
- 55. Employment in certain letter-press printing works of male young persons over 16 at night.
- 56. Employment of male young persons of 14 at night, &c. in glass making.

(4.) *Special Exception for Domestic and certain other Workshops.*

- 57. Exception of domestic and certain other workshops from certain provisions of the Act.

(5.) *Supplemental as to Special Provisions.*

- 58. Requirement of sanitary provisions as condition of special exceptions.
- 59. Power to rescind order granting or extending exception.

Clause.

- 60. Provisions as to order of Secretary of State under Part Two of Act.
- 61. Provision as to occupier availing himself of special exceptions and registry of work under them.

## PART III.

## ADMINISTRATION, PENALTIES, AND LEGAL PROCEEDINGS.

(1.) *Inspection.*

- 62. Appointment, payment, &c. of inspectors of factories, and clerks and servants.
- 63. Powers of inspectors.
- 64. Certificates of appointment of inspectors.

(2.) *Certifying Surgeons.*

- 65. Appointment of certifying surgeons.
- 66. Regulations as to the grant of certificates of fitness.
- 67. Fees for certifying surgeons for examination of children and young persons.

(3.) *Miscellaneous.*

- 68. Notice of factory to be given to inspector.
- 69. Regulation of hours by public clock.
- 70. Registers to be kept in a factory or workshop.
- 71. Affixing in factory or workshop of abstract of Act and notices.
- 72. Printing or writing and service of notices and documents, &c.

(4.) *Public Establishments.*

- 73. Public establishments to be subject to Act.

(5.) *Penalties.*

- 74. Fine for not keeping factory or workshop in conformity with Act.
- 75. Penal compensation to person injured by want of fence to machinery.
- 76. Fine for employing children, young persons, and women contrary to the Act.
- 77. Fine on parent for allowing child to be employed contrary to the Act, or neglecting to cause child to attend school.
- 78. Forgery of certificates, false entries and declarations.
- 79. Fine on person committing offence for which occupier is liable.

[123.]

a 3

Clause.

- 80. Power of occupier to exempt himself from fine or conviction of the actual offender.
- 81. Restraint on cumulative fines.

(6.) *Legal Proceedings.*

- 82. Prosecution of offence and recovery and application of fines.
- 83. Appeal to quarter sessions.
- 84. Limitation of time and general provisions as to summary proceedings.
- 85. Evidence in summary proceedings.

PART IV.

DEFINITIONS, SAVINGS, APPLICATION TO SCOTLAND AND  
IRELAND, AND REPEAL.

(1.) *Definitions.*

- 86. Definition of "manufacturing process," "handicraft," "factory," "textile factory," and "workshop."
- 87. Definitions of certain factories and workshops.
- 88. Application of Act to certain works.
- 89. Definition of "employment."
- 90. Definition of certified efficient school.
- 91. General Definitions. "Child." "Young person." "Woman." "Parent." "Treasury." "Secretary of State." "Education Department." "Sanitary authority." "Person." "Week." "Night." "Prescribed." "Summary Jurisdiction Acts." "Court of summary jurisdiction." "Mill-gearing."

(2.) *Savings.*

- 92. Saving as to liability of hirer of machine where not occupier.
- 93. Saving for person employed in repair of machinery or factory workshop.
- 94. Exemption of factories and workshops from 38 & 39 Vict. c. 55. s. 91.
- 95. Construction of enactments referring to Factory or Workshop Acts.

(3.) *Application of Act to Scotland and Ireland.*

- 96. Temporary saving for employment of children under 10 and children over 13 in Scotland and Ireland.
- 97. Certificates of birth for purposes of Act.

Clause.

98. Application of Act to Scotland.

99. Application of Act to Ireland.

(4.) *Repeal.*

100. Repeal of Acts.

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SCHEDULES.

## FIRST SCHEDULE.

*Factories or Workshops in which Employment of Young Persons and Children is restricted.*

1. Young persons and children in processes tending to destroy health.
2. Children and female young persons in parts of glass works.
3. Girls under 16 in certain unsuitable employments.
4. Children in metal grinding and lucifer match making.
5. Child under 11 in fustian cutting.

## SECOND SCHEDULE.

## SPECIAL RESTRICTIONS.

## PART ONE.

*Places forbidden for Meals.*

Parts of factories or workshops in which by reason of the special unhealthiness of the process children, young persons, and women are forbidden to take meals.

## PART TWO.

*Certificates of Fitness in Workshops.*

Workshops in which by reason of special circumstances affecting the workshop, certificates of fitness are required for the protection of the health of the children and young persons under 16 employed therein.

## THIRD SCHEDULE.

## SPECIAL EXCEPTIONS.

## PART ONE.

*Period of Employment.*

Employment of children, young persons, and women between 8 a.m. and 8 p.m. in certain trades in which the customs or exigencies of the trade, either generally or in any particular locality, require it:

[123.]

a 4

## PART TWO.

*Meal Hours.*

Cases in which meals are allowed to be taken at different times by reason of the continuous nature of the process or of special circumstances.

Cases and extent to which persons are allowed during meal time to be employed in the factory or workshop by reason of the continuous nature of the process or of special circumstances.

## PART THREE.

*Overtime.*

Factories and workshops in which young persons of 14 and women may be allowed to work for 14 hours a day under certain restrictions by reason of the nature of the business depending on the weather or the seasons of the year or by reason of any special emergency.

## PART FOUR.

*Additional Half Hour.*

Factories and workshops in which a child, young person, or woman may be employed for an additional half hour where the process is in an incomplete state because the time for the completion of the process cannot, by reason of the nature thereof, be accurately fixed.

## PART FIVE.

*Overtime for Perishable Articles.*

Factories and workshops in which women may be employed for fourteen hours a day by reason of the perishable nature of the articles or materials which are the subject of the manufacturing process or handicraft.

## PART SIX.

*Night Work.*

Factories and workshops in which male young persons of fourteen may be employed at night by reason of the nature of the business requiring the process to be carried on throughout the night.

## FOURTH SCHEDULE.

*Acts repealed.*

A

## B I L L

TO

Consolidate and amend the Law relating to Factories and  
Workshops.

A.D. 1877.

**B**E it enacted by the Queen's most Excellent Majesty, by and  
with the advice and consent of the Lords Spiritual and Tem-  
poral, and Commons, in this present Parliament assembled, and by  
the authority of the same, as follows :

5

*Preliminary.*

1. This Act may be cited as the Factory and Workshop Act, 1877. Short title.

2. This Act shall come into operation on *the first day of January* Commence-  
ment of Act.  
*one thousand eight hundred and seventy-eight*, which day is in  
this Act referred to as the commencement of this Act : Provided

10 that at any time after the passing of this Act, any appointment,  
regulation, or order may be made, any notice issued, form pre-  
scribed, and act done which appears to a Secretary of State  
necessary or proper for the due execution of this Act at the  
commencement thereof.

15

## PART I.

## GENERAL LAW RELATING TO FACTORIES AND WORKSHOPS.

(1.) *Sanitary Provisions.*

3. Every factory and every workshop shall be kept in a cleanly state  
and free from effluvia arising from any drain, privy, or other  
20 nuisance. Sanitary  
condition of  
factory and  
workshop.  
See 27 & 28  
Vict. c. 48.

A factory or workshop shall not be so overcrowded while work  
is carried on therein as to be injurious to the health of those  
employed therein, and shall be ventilated in such a manner as to  
render harmless, so far as is practicable, all gases, vapours, dust, or  
25 other impurities generated in the course of the manufacturing  
s. 4,  
30 & 31 Vict.  
c. 103. ss. 4, 6.  
sched. 10.  
38 & 39 Vict.  
c. 55. s. 91.  
26 & 27 Vict.  
c. 40. s. 4.

[Bill 123.]

A



A.D. 1877. process or handicraft carried on therein that may be injurious to health.

A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

Notice by  
inspector to  
sanitary  
authority  
of sanitary  
defects in  
factory or  
workshop.

4. Where it appears to an inspector under this Act that any act, neglect, or default in relation to any drain, watercloset, earthcloset, privy, ashpit, water supply, nuisance, or other matter in any factory or workshop is punishable or remediable under the law relating to public health, but not under this Act, that inspector shall give notice in writing of such act neglect or default to the sanitary authority in whose district the factory or workshop is situate, and it shall be the duty of the sanitary authority to make such inquiry into the subject of the notice, and take such action thereon, as to that authority may seem proper for the purpose of enforcing the law.

An inspector under this Act may, for the purposes of this section, take with him into a factory or a workshop a medical officer of health, inspector of nuisances, or other officer of the sanitary authority.

(2.) *Safety.*

Fencing of  
certain  
machinery.  
See 7 & 8  
Vict. c. 15.  
s. 21.  
19 & 20 Vict.  
c. 38. s. 4.  
30 & 31 Vict.  
c. 103. sch. 24.

5. With respect to the fencing of machinery in a factory the following provisions shall have effect :

- (1.) Every hoist or teagle near to which children or young persons are liable to pass or to be employed, and every fly wheel directly connected with the steam or water or other mechanical power, whether in the engine house or not, and every part of a steam engine and water wheel, shall be securely fenced ; and
- (2.) Every wheel-race not otherwise secured shall be securely fenced close to the edge of the wheel-race ; and
- (3.) Every part of the mill gearing shall either be securely fenced or be in such position or of such construction as to be equally safe to every person employed in the factory as it would be if it were securely fenced ; and
- (4.) All fencing shall be constantly maintained in an efficient state while the parts required to be fenced are in motion by the action of steam, water, or other mechanical power for any manufacturing process.

A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

Fencing  
of other

6. Where an inspector considers that in a factory any part of the machinery of any kind, moved by steam water or other mechanical

power to which the foregoing provisions of this Act with respect to the fencing of machinery do not apply, is not securely fenced, and is so dangerous as to be likely to cause bodily injury to any person employed in the factory, he shall serve on the occupier of the factory  
 5 a notice requiring him to fence the part of the machinery which he so deems to be dangerous.

A.D. 1877.

dangerous machinery, of which notice is given by inspector.

See 7 &amp; 8

Vict. c. 15:

s. 43.

19 &amp; 20 Vict.

c. 38. s. 5.

The occupier, within *fourteen days* after the receipt of the notice, may serve on the inspector a requisition requiring the matter to be referred to arbitration, and thereupon the matter shall be referred  
 10 to arbitration, and two skilled arbitrators shall be appointed, the one by the inspector and the other by the occupier, and the provisions of the Companies Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration shall, subject to the express provisions of this section, apply to the said arbitration.

8 &amp; 9 Vict.

c. 16. ss.

128-134.

15 If the arbitrators or their umpire decide that it is unnecessary or impossible to fence the machinery alleged in the notice to be dangerous, the notice shall be cancelled, and the occupier shall not be required to fence in pursuance thereof, and the expenses of the arbitration shall be paid as the expenses of the inspectors under this  
 20 Act.

If the occupier does not appoint an arbitrator within *fourteen days* after he served on the inspector the requisition requiring the matter to be referred to arbitration, or if neither the arbitrators nor the umpire decide that it is unnecessary or impossible to fence the  
 25 machinery alleged in the notice to be dangerous, the occupier shall securely fence the said machinery as required by the notice, or by the award of the arbitrators or umpire if it modifies the notice, and the expenses of the arbitration shall be paid by the occupier of the factory, and shall be recoverable from him by the inspector  
 30 in the county court.

Where the occupier of a factory fails to comply within a reasonable time with a notice or award under this section, or fails to keep the machinery mentioned in such notice or award securely fenced as thereby required, the factory shall be deemed not to be  
 35 kept in conformity with this Act.

See 19 &amp; 20

Vict. c. 38.

s. 6.

For the purpose of this section and of any provisions of this Act relating thereto, "machinery" shall be deemed to include any driving band or strap.

7. Where an inspector observes in a factory that any grindstone, worked by steam, water, or other mechanical power is in itself so faulty, or is fixed in so faulty a manner as to be likely to cause bodily injury to the grinder using the same, such inspector shall

Inspector may require occupier to fix grindstones securely and

[123.]

A 2

A.D. 1877. replace faulty grindstone. See 30 & 31 Vict. c. 103. s. 10. serve on the occupier of the factory a notice requiring him to replace such faulty grindstone, or to properly fix the grindstone fixed in the faulty manner, and the provisions of this Act with respect to the notice requiring dangerous machinery to be fenced and arbitration thereon shall apply in like manner as if they were re-enacted in this section with the necessary modifications. 5

Where the occupier of a factory fails to comply within a reasonable time with a notice or award under this section, or fails to keep the grindstone mentioned in such notice or award in such a state and fixed in such manner as not to be dangerous, the factory shall be deemed not to be kept in conformity with this Act. 10

Restriction on cleaning of machinery while in motion. 7 & 8 Vict. c. 15. ss. 20, 32, 64.

8. A child shall not be allowed to clean any part of the machinery in a factory while the same is in motion.

A child, young person, or woman shall not be allowed—

- (1.) to clean any part of the mill-gearing in a factory while the same is in motion for the purpose of propelling any part of the manufacturing machinery; nor 15
- (2.) to work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of steam water or other mechanical power. 20

A child, young person, or woman allowed to clean or to work in contravention of this section shall be deemed to be employed contrary to the provisions of this Act.

### (3.) *Employment and Meal Hours.*

Children, young persons, and women to be employed only during fixed period of employment.

9. A child, young person, or woman shall not be employed in a factory or a workshop, except during the period of employment fixed by the occupier in pursuance of this Act and specified in the notice affixed in the factory or workshop. 25

Period of employment, time for meals, and length of continuous employment for young persons and women in a textile factory. 37 & 38 Vict. c. 44. ss. 3-5.

10. With respect to the employment of young persons and women in a textile factory the following regulations shall be observed: 30

- (1.) The period of employment, except on Saturday, shall be a period of *twelve* consecutive hours, inclusive of meal hours, and either shall begin at *six o'clock* in the morning and end at *six o'clock* in the evening, or shall begin at *seven o'clock* in the morning and end at *seven o'clock* in the evening; and 35
- (2.) The period of employment on Saturday shall begin either at *six o'clock* or at *seven o'clock* in the morning; and
- (3.) Where the period of employment on Saturday begins at six o'clock in the morning, such period— 40

(a.) If not less than *one hour* is allowed for meals, shall end at *one o'clock* in the afternoon as regards

37 & 38 Vict. c. 44. ss. 3-5.

employment in any manufacturing process, and at *half-past one o'clock* in the afternoon as regards employment for any purpose whatever; and

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- 5 (b.) If less than *one hour* is allowed for meals, shall end at *half an hour after noon* as regards employment in any manufacturing process, and at *one o'clock* in the afternoon as regards employment for any purpose whatever; and

- 10 (4.) Where the period of employment on Saturday begins at *seven o'clock* in the morning, such period shall end at *half-past one o'clock* in the afternoon as regards any manufacturing process, and at *two o'clock* in the afternoon as regards employment for any purpose whatever; and

- 15 (5.) There shall be allowed for meals during the period of employment for young persons and women in the factory— 37 & 38 Vict. c. 44. ss. 4, 5.

(a.) on every day except Saturday not less than *two hours*, of which *one hour* at the least, either at the same time or at different times, shall be before *three o'clock* in the afternoon; and

- 20 (b.) on Saturday not less than *half-an-hour*; and

- (6.) A young person or woman shall not be employed continuously for more than *four hours and a half*, without an interval of at least *half-an-hour* for a meal. 37 & 38 Vict. c. 44. ss. 4, 5.

- 25 11. With respect to the employment of children in a textile factory the following regulations shall be observed—

Period of employment for children, either in morning and afternoon sets, or on alternate days and length of continuous employment in textile factory. See 37 & 38 Vict. c. 44. s. 6.

- (1.) Children shall not be employed except on the system either of employment in morning and afternoon sets, or of employment on alternate days only :

- 30 (2.) The period of employment for a child in a morning set shall, except on Saturday, begin at the same hour as if the child were a young person, and end at *one o'clock* in the afternoon, or, if the dinner time begins before *one o'clock*, at the beginning of dinner time; and

- 35 (3.) The period of employment for a child in an afternoon set shall, except on Saturday, begin at *one o'clock* in the afternoon, or any later hour at which the dinner time terminates, and end at the same hour as if the child were a young person; and

- 40 (4.) The period of employment for a child in a morning or afternoon set on Saturday shall begin and end at the same hour as if the child were a young person; and

- (5.) A child whether employed in a morning or afternoon set shall not be employed on Saturday in *two successive weeks*, nor

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on Saturday in any week, if on any other day in the same week he has been employed for more than *five hours*; and

- (6.) When a child is employed on the alternate day system the period of employment for such child and the time allowed for meals shall be the same, as if the child were a young person, but the child shall not be employed on *two successive days*, and shall not be employed on the same day of the week in *two successive weeks*; and
- (7.) A child shall not be employed continuously for any longer period than he could be if he were a young person without 10 an interval of at least *half-an-hour* for a meal.

Period of employment, time for meals, and length of continuous employment for young persons and women in non-textile factory and young persons in workshop.  
See  
13 & 14 Vict.  
c. 54. s. 1.  
26 & 27 Vict.  
c. 40. s. 3.

12. With respect to the employment of young persons and women in a non-textile factory, and of young persons in a workshop, the following regulations shall be observed:

- (1.) The period of employment, except on Saturday, shall (save 15 as is in this Act specially excepted) be a period of *twelve consecutive hours*, inclusive of meal hours, and either shall begin at *six o'clock* in the morning and end at *six o'clock* in the evening, or shall begin at *seven o'clock* in the morning and end at *seven o'clock* in the evening; and 20
- (2.) The period of employment on Saturday shall (save as is in this Act specially excepted) begin at *six o'clock* in the morning or at *seven o'clock* in the morning, and end at *two o'clock* in the afternoon; and

3 & 4 W. 4.  
c. 103. s. 6.  
7 & 8 Vict.  
c. 15. ss. 32, 36.

- (3.) There shall be allowed for meals during the period of 25 employment in the factory or workshop—

(a.) on every day except Saturday not less than *one hour and a half*, of which *one hour* at the least, either at the same time or at different times, shall be before *three o'clock* in the afternoon; 30 and

(b.) on Saturday not less than *half-an-hour*; and

7 & 8 Vict.  
c. 15. ss. 32, 36.  
13 & 14 Vict.  
c. 54. s. 3.

- (4.) A young person or a woman in a non-textile factory and a young person in a workshop shall not be employed continuously for more than *five hours* without an interval of 35 at least *half-an-hour* for a meal.

Period of employment for children either in morning and afternoon sets, or on alternate days, and

13. With respect to the employment of children in a non-textile factory and a workshop the following regulations shall be observed:

- (1.) Children shall not be employed except either on the system of employment in morning and afternoon sets, or, in a 40 actory or workshop in which the actual hours of work of

young persons and women, exclusive of meal hours, are restricted to *ten hours* a day, on the system of employment on alternate days only; and

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length of continuous employment in non-textile factories and workshops. See 7 & 8 Vict. c. 15. ss. 30, 31, 36. 16 & 17 Vict. c. 104. ss. 1, 4, 37 & 38 Vict. c. 44. s. 6.

- 5 (2.) The period of employment for a child in a morning set on every day, including Saturday, shall begin at the same hour as if the child were a young person, and end at *one o'clock* in the afternoon, or, if the dinner time begins before *one o'clock*, at the beginning of dinner time; and
- 10 (3.) The period of employment for a child in an afternoon set on every day, including Saturday, shall begin at *one o'clock* in the afternoon, or any later hour at which the dinner time terminates, and end at the same hour as if the child were a young person; and
- 15 (4.) A child shall not be employed in *two successive weeks* in a morning set, or in *two successive weeks* in an afternoon set; and
- 20 (5.) When a child is employed on the alternate day system the period of employment for such child and the time allowed for meals shall be the same as if the child were a young person, but the child shall not be employed in any manner on *two successive days*, and shall not be employed on the same day of the week in *two successive weeks*; and
- 25 (6.) A child shall not be employed continuously for any longer period than he could be if he were a young person without an interval of at least *half an hour* for a meal.

- 30 14. In a workshop in which a young person or a child is employed a woman shall not be employed except during the same period and subject to the same restrictions as if she were a young person; and the regulations of this Act with respect to the employment of young persons in a workshop shall apply accordingly to the employment of women in that workshop.

Period of employment, time for meals, and length of continuous employment for women in workshops.

In a workshop in which no young person or child is employed—

- 35 (1.) The period of employment for a woman shall, except on Saturday, be a period not exceeding *twelve hours*, inclusive of meal hours, between *six o'clock* in the morning and *nine o'clock* in the evening, and shall on Saturday be the period between *six o'clock* in the morning and *two o'clock* in the afternoon; and
- 40 (2.) There shall be allowed to a woman for meals during the period of employment on any day except Saturday not less than *one hour and a half*, and on Saturday *half an hour*.

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Exception as  
to employ-  
ment of  
women,  
young  
persons, and  
children in  
domestic  
workshops.  
See  
30 & 31 Vict.  
c. 146. s. 6.

**15.** In a workshop which is a dwelling-house and in which the family only of the occupier living in that dwelling-house are employed, the foregoing regulations of this Act with respect to the employment of women young persons and children shall not apply, and in lieu thereof the following regulations shall be 5 observed :

- (1.) A child, young person, or woman shall not be employed in the workshop except during the period of employment fixed by the occupier in accordance with this section :
- (2.) The period of employment for young persons and women 10 shall, except on Saturday, be a period not exceeding *twelve hours*, inclusive of meal hours, between *six o'clock* in the morning and *nine o'clock* in the evening, and shall on Saturday be the period between *six o'clock* in the morning and *two o'clock* in the afternoon ; and 15
- (3.) There shall be allowed to every woman and young person for meals during the period of employment on any day except Saturday not less than *one hour and a half*, and on Saturday *half an hour* ; and
- (4.) The period of employment for a child shall be a period not 20 exceeding *six hours and a half* between *six o'clock* in the morning and *one o'clock* in the afternoon, or between *noon* and the hour of *eight* in the evening, or (on Saturday) of two in the afternoon, and for the purpose of the provisions of this Act respecting education, such child, 25 shall be deemed, according to circumstances, to be employed in a morning or afternoon set ; and
- (5.) A child shall not be employed continuously for more than *five hours* without an interval of at least *half an hour* for 30 a meal.

Meal hours to be  
simultaneous,  
and employ-  
ment during  
meal time for-  
bidden  
7 & 8 Vict.  
c. 15. ss. 32, 36.  
13 & 14 Vict.  
c. 54. ss. 3, 8.  
37 & 38 Vict.  
c. 44. ss. 7, 8.

**16.** With respect to meals the following regulations shall (save as is in this Act specially excepted) be observed in every factory and workshop :

- (1.) All children young persons and women employed therein shall have the time allowed for meals at the same time 35 in the day ; and
- (2.) A child young person or woman shall not during any part of the time allowed for meals in the factory or workshop, be employed in the factory or the workshop, or be allowed to remain in a room in which a manufacturing process or 40 handicraft is being carried on.

Notice fixing  
period of em-  
ployment,

**17.** The occupier of a factory or workshop may from time to time fix within the limits allowed by this Act, and shall (save as

is in this Act specially excepted) specify in a notice affixed in the factory or workshop, the period of employment, the times allowed for meals, and whether the children are employed on the system of morning and afternoon sets, or of alternate days.

- 5 The period of employment and the times allowed for meals in the factory or workshop shall be deemed to be the period and times specified in the notice affixed in the factory or workshop, and all the children in the factory or workshop shall be employed either on the system of morning and afternoon sets or on the system of alternate days according to the system for the time being specified in such notice;

15 Provided that a change in the period of employment and in the times allowed for meals, or in the system of employment of the children shall not be made, until after the occupier has served on an inspector and affixed in the factory or workshop notice of his intention to make such change, and shall not be made oftener than *once a quarter*, unless for special cause allowed in writing by an inspector.

- 20 18. A child under the age of *ten years* shall not be employed in a factory or a workshop.

19. A child young person or woman shall not (save as is in this Act specially excepted) be employed on Sunday in a factory or workshop.

#### (4.) *Holidays.*

- 25 20. The occupier of every factory and workshop shall allow to every child young person and woman employed therein the following holidays; that is to say,

- (1.) The whole of Christmas Day, and either the whole of Good Friday, or, if it is so specified by the occupier in the notice affixed in the factory or workshop, of the next public holiday under the Holidays Extension Act, 1875; and in addition
- 30 (2.) *Eight* half holidays in every year, but a whole holiday may be allowed in lieu of any *two* such half holidays; and
- 35 (3.) At least half of the said half holidays or whole holidays shall be allowed between the *fifteenth day of March* and the *first day of October* in every year; and
- (4.) Cessation from work shall not be deemed to be a half holiday or whole holiday, unless a notice of the half holiday or holiday has been affixed in the factory or workshop for at least the whole period of employment on the last previous work day; and
- 40

[123.]

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hours of meals, and mode of employment of children. See 13 & 14 Vict. c. 54. s. 6. 16 & 17 Vict. c. 104. s. 3. 37 & 38 Vict. c. 44. s. 9.

Prohibition of employment of children under ten.

See 37 & 38 Vict. c. 44. s. 13. 39 & 40 Vict. c. 79. s. 5.

Prohibition of employment of children, young persons, and women on Sunday.

30 & 31 Vict. c. 103. s. 7. c. 146. s. 6.

Days to be observed as holidays, and half holidays to be allowed in factories and workshops.

3 & 4 Will. 4. c. 103. s. 9.

3 & 4 Will. 4. c. 103. s. 9.

7 & 8 Vict. c. 15. ss. 37, 32.



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- (5.) A half holiday shall comprise at least *one half* of the period of employment for young persons and women on some day other than Saturday.

A child, young person, or woman who—

- (1.) on a whole holiday fixed by or in pursuance of this section 5 for a factory or workshop, is employed in the factory or workshop ; or
- (2.) on a half holiday fixed in pursuance of this section for a factory or workshop, is employed in the factory or workshop during the portion of the period of employment 10 assigned for such half holiday

shall be deemed to be employed contrary to the provisions of this Act.

(5.) *Education of Children.*

Attendance  
at school of  
children  
employed in  
a factory or  
workshop.  
See 7 & 8  
Vict. c. 15.  
ss. 31, 38.  
37 & 38 Vict.  
c. 44. ss.  
6, 15.  
39 & 40 Vict.  
c. 79. s. 8.

21. The parent of a child employed in a factory or in a workshop 15 shall cause that child to attend some certified efficient school (which school may be selected by such parent), as follows :

- (1.) The child, when employed in a morning or afternoon set, shall on each work day of every week, during any part of which he is so employed, be caused to attend for at least 20 one attendance (as defined for the time being by a Secretary of State with the consent of the Education Department), between the hours of *eight* in the morning and *six* in the evening ; and
- (2.) The child, when employed on the alternate day system, 25 shall be caused to attend school for at least *two* attendances (as defined for the time being by a Secretary of State with the consent of the Education Department), between the hours of *eight* in the morning and *six* in the evening on each work day preceding each day of employ- 30 ment in the factory or workshop :

Provided that—

- (1.) A child shall not be required by this Act to attend school on Saturday or on any holiday or half holiday allowed by or in pursuance of this Act in the factory or workshop in 35 which the child is employed ; and
- (2.) The non-attendance of the child shall be excused on every day on which he is certified by the teacher of the school to have been prevented from attending by sickness or other unavoidable cause, also when the school is closed 40 during the ordinary holidays or for any other temporary cause ; and

- (3.) Where there is not within the distance of *two miles*, measured according to the nearest road, from the factory or workshop in which the child is employed or from the residence of the child a certified efficient school which the child can attend, attendance at a school temporarily approved in writing by an inspector under this Act, although not a certified efficient school, shall for the purposes of this Act be deemed attendance at a certified efficient school until such certified efficient school as aforesaid is established, and with a view to such establishment the inspector shall immediately report to the Education Department every case of the approval of a school by him under this section.

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See 37 & 38  
Vict. c. 44.  
s. 15.

A child who has not in any week attended school for all the attendances required by this section shall not be employed in the following week, until he has attended school for the deficient number of attendances.

The Education Department shall from time to time by the publication of lists or by notices, or otherwise as they think expedient, provide for giving to all persons interested information of the schools in each school district which are certified efficient schools.

22. The occupier of every factory or workshop in which a child is employed shall on *Monday* in every week after the first week in which such child began to work therein, or on some other day appointed for that purpose by an inspector, obtain from the teacher of the certified efficient school attended by the child, a certificate (according to the prescribed form and directions) respecting the attendance of such child at school in accordance with this Act.

School attendance certificate to be obtained by occupier of factory or workshop. See 7 &amp; 8 Vict. c. 15. s. 39. 30 &amp; 31 Vict. c. 146. s. 16. 37 &amp; 38 Vict. c. 44. s. 6. 39 &amp; 40 Vict. c. 79. s. 8.

The employment of a child without obtaining such certificate as is required by this section shall be deemed to be employment of a child contrary to the provisions of this Act.

The occupier shall keep every such certificate for *two months* after the date thereof if the child so long continues to be employed in his factory or his workshop, and shall produce the same to an inspector when required during that period.

23. The principal teacher of a certified efficient school attended by a child employed in a factory or workshop may apply in writing to the occupier of the factory or workshop to pay a weekly sum specified in the application not exceeding *twopence a week*, and not exceeding *one twelfth* part of the wages of the child, and after that application the occupier, so long as he employs the child, shall be liable to pay to the applicant while the child attends his school the weekly sum specified in the application, and the sum may be

On application of teacher, occupier to pay sum for schooling of child, and deduct it from wages. See 30 &amp; 31 Vict. c. 146. s. 17. 7 &amp; 8 Vict. c. 15. s. 39.

[123.]

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Employment as young person of child of 13 obtaining educational certificate. See 37 & 38 Vict. c. 44. s. 12. 39 & 40 Vict. c. 79. ss. 5, 8, 48.

**24.** When a child of the age of *thirteen years* has obtained from a person authorised by the Education Department a certificate of having attained such standard of proficiency in reading writing and arithmetic, or of previous due attendance at a certified efficient school, as herein-after mentioned, that child shall be deemed to be a young person for the purposes of this Act.

The standards for the purposes of this section shall be such as may be from time to time fixed for the purposes of this Act by a Secretary of State, with the consent of the Education Department, and the standards so fixed shall be published in the London Gazette, and shall not have effect until the expiration of at least *six months* after such publication.

Attendance at a certified day industrial school shall be deemed for the purposes of this section to be attendance at a certified efficient school.

#### (6.) *Certificates of Fitness for Employment.*

Certificate of fitness for employment of children and young persons under sixteen in factories. See 3&4 Will.4. c. 103. ss. 11-14. 7 & 8 Vict. c. 15. ss. 9-17, 29. Schedule A. 30 & 31 Vict. c. 103. sch. 25 (e).

**25.** In a factory a child or young person under the age of *sixteen years* shall not be employed for more than *seven*, or if the certifying surgeon for the district resides more than *three miles* from the factory *thirteen*, working days, unless the occupier thereof has obtained a certificate, in the prescribed form, of the fitness of such child or young person for employment in that factory.

A certificate of fitness for employment for the purposes of this Act shall be granted by the certifying surgeon for the district, and shall be to the effect that he is satisfied, by the production of a certificate of birth or otherwise, that such child or young person is of the age named in the certificate of fitness, and that such child or young person has been personally examined by him and is not incapacitated by disease or bodily infirmity for working daily for the time allowed by law in the factory named in the certificate.

Certificate of fitness for employment of children and young persons under 16 in workshops.

**26.** In order to enable occupiers of workshops to better secure the observance of this Act, and prevent the employment in their workshops of children and young persons under the age of *sixteen years* who are unfitted for that employment, an occupier of a workshop is hereby authorised to obtain, if he thinks fit, from the certifying surgeon for the district, a certificate of the fitness of children and young persons under the age of *sixteen years* for employment in his workshop, in like manner as if that workshop were a

factory, and the certifying surgeon shall examine the children and young persons, and grant certificates accordingly. A.D. 1877.

27. Where an inspector is of opinion that any child or young person under the age of *sixteen years* is by disease or bodily infirmity incapacitated for working daily for the time allowed by law in the factory or workshop in which he is employed, he may serve written notice thereof on the occupier of the factory or workshop, and the occupier shall not continue for more than *seven days* after the service of such notice to employ such child or young person (notwithstanding a certificate of fitness has been previously obtained for such child or young person), unless the certifying surgeon for the district has, after the service of the notice, personally examined such child or young person and has certified that such child or young person is not so incapacitated as aforesaid.
28. All factories and workshops in the occupation of the same occupier, and in the district of the same certifying surgeon, or any of them, may be named in the certificate of fitness for employment, if the surgeon is of opinion that he can truly give the certificate for employment therein.
- The certificate of birth (which may be produced to a certifying surgeon) shall either be a certified copy of the entry in the register of births, kept in pursuance of the Acts relating to the registration of births, of the birth of the child or young person (whether such copy be obtained in pursuance of the Elementary Education Act 1876 or otherwise), or be a certificate from a local authority within the meaning of the Elementary Education Act 1876, to the effect that it appears from the returns transmitted to such authority in pursuance of the said Act by the registrar of births and deaths that the child was born at the date named in the certificate.
- Where a certificate of fitness for employment is to the effect that the certifying surgeon has been satisfied of the age of a child or young person, otherwise than by the production of a certificate of birth, an inspector may, by notice in writing, annul the surgeon's certificate if he has reasonable cause to believe that the real age of the child or young person named in it is less than that mentioned in the certificate, and thereupon that certificate shall be of no avail for the purposes of this Act.

When a child becomes a young person a fresh certificate of fitness must be obtained.

- The occupier shall, when required, produce to an inspector at the factory or workshop in which a child or young person is employed

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Power of inspector to require surgical certificate of capacity of child or young person under 16 for work. See 7 & 8 Vict. c. 15. s. 14.

Supplemental provisions as to certificates of fitness for employment. See 7 & 8 Vict. c. 15. ss. 16, 27. 39 & 40 Vict. c. 79. s. 25.

A.D. 1877. the certificate of fitness of such child or young person for employment which he is required to obtain under this Act.

(7.) *Accidents.*

Notice to be given of accidents causing death or bodily injury.  
7 Vict. c. 15.  
ss. 22, 64.  
30 & 31 Vict.  
c. 103, sch. 19.  
34 & 35 Vict.  
c. 104. s. 7.

**29.** Where there occurs in a factory or a workshop any accident which either—

5

(a.) Causes loss of life to a person employed in the factory or in the workshop, or

(b.) Causes bodily injury to a person employed in the factory or the workshop, and is produced either by machinery moved by steam water or other mechanical power, or by explosion or escape of gas, steam or metal, and is of such a nature as to prevent the person injured by it from returning to his work in the factory or workshop within *forty-eight hours* after the occurrence of the accident,

10

written notice of the accident shall forthwith be sent to the certifying surgeon for the district, stating the residence of the person injured, or the place to which he may have been removed, and if such notice is not sent the occupier of the factory or workshop shall be liable to a fine not exceeding *five pounds*.

15

See  
30 & 31 Vict.  
c. 103.  
Sch. 19.

If any such accident as aforesaid occurs to a person employed in an iron mill or blast furnace, the actual employer of the person killed or injured shall immediately report the same to the occupier, and in default shall be liable to a fine not exceeding *five pounds*.

20

A notice of an accident of which notice is required by section sixty-three of the Explosives Act, 1875, to be sent to a government inspector, need not be sent to the certifying surgeon in pursuance of this section.

25

38 & 39 Vict.  
c. 17.

Certifying surgeon to investigate accidents, and report thereon.  
7 Vict. c. 15.  
s. 23.

**30.** Where a certifying surgeon receives in pursuance of this Act notice of an accident in a factory or a workshop, he shall send a copy of such notice to an inspector by the first post after the receipt thereof, and shall with the least possible delay proceed to the factory or workshop, and make a full investigation as to the nature and cause of the death or injury caused by that accident, and shall within the next *twenty-four hours* send to the inspector a report thereof.

30

The certifying surgeon, for the purpose only of an investigation under this section, shall have the same powers as an inspector, and shall also have power to enter any room in a building to which the person killed or injured has been removed.

35

There shall be paid to the said surgeon for the investigation such fee, not exceeding *ten* nor less than *three shillings*, as a Secretary of State considers reasonable, which fee shall be paid as expenses incurred in the execution of this Act.

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## 5

## PART II.

SPECIAL PROVISIONS RELATING TO PARTICULAR CLASSES OF  
FACORIES AND WORKSHOPS.(1.) *Special Provisions for Health in certain Factories and Workshops.*

- 10 **31.** For the purpose of securing the observance of the require-  
ments of this Act as to cleanliness in every factory and workshop,  
all the inside walls of the rooms of such factory or workshop, and  
all the ceilings or tops of such rooms, whether such walls, ceilings,  
or tops be plastered or not, and all the passages and staircases of  
15 every such factory or workshop, if they have not been painted with  
oil once at least within *seven years*, shall be limewashed once at  
least within every successive period of *fourteen months*, to date  
from the period when last limewashed; and if they have been so  
painted, shall be washed with hot water and soap once at least  
20 within every successive period of *fourteen months*, to date from  
the period when last washed.

Limewash-  
ing and  
washing of  
the interior of  
factories and  
workshops.  
7 Vict. c. 15.  
s. 18.  
27 & 28 Vict.  
c. 48. s. 6.  
(7).  
33 & 34 Vict.  
c. 62. s. 4.  
30 & 31 Vict.  
c. 103. sch. 9.

A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

- Where it appears to a Secretary of State that in any class of  
25 factories or workshops, or parts thereof, the regulations in this  
section are not required for the purpose of securing therein the  
observance of the requirements of this Act as to cleanliness, or are  
by reason of special circumstances inapplicable, he may if he thinks  
fit, by order made under this part of this Act, grant to such class  
30 of factories or workshops, or parts thereof, a special exception that  
the regulations in this section shall not apply thereto.

- 32.** Where a bakehouse is situate in any city town or place  
containing, according to the last published census for the time  
being, a population of more than *five thousand persons*, all the  
35 inside walls of the rooms of such bakehouse, and all the ceilings or  
tops of such rooms, whether such walls ceilings or tops be plastered  
or not, and all the passages and staircases of such bakehouse,  
shall either be painted with oil or be limewashed, or partly painted

Limewash-  
ing, painting,  
and wash-  
ing of the  
interior of  
bakehouses.  
26 & 27 Vict.  
c. 40. s. 4.

A.D. 1877. and partly limewashed; where painted with oil there shall be three coats of paint, and the painting shall be renewed once at least in every *seven years*, and shall be washed with hot water and soap once at least in every *six months*; where limewashed the limewashing shall be renewed once at least in every *six months*.

A bakehouse in which there is any contravention of this section shall be deemed not to be kept in conformity with this Act.

Provision as to sleeping places near bakehouses. 26 & 27 Vict. c. 40. s. 5.

**33.** Where a bakehouse is situate in any city town or place containing, according to the last published census for the time being, 10 a population of more than *five thousand persons*, a place on the same level with the bakehouse, and forming part of the same building, shall not be used as a sleeping place, unless it is constructed as follows; that is to say,

Unless it is effectually separated from the bakehouse by a 15 partition extending from the floor to the ceiling; and

Unless there be an external glazed window of at least *nine superficial feet in area*, of which at the least *four and a half superficial feet* are made to open for ventilation.

Any person who lets or occupies or continues to let or know- 20 ingly suffers to be occupied any place contrary to this section, shall be liable to a fine not exceeding, for the first offence, *twenty shillings*, and for every subsequent offence *five pounds*.

Provision as to ventilation by fan in factories and workshops. 30 & 31 Vict. c. 103. s. 9. 30 & 31 Vict. c. 146. s. 8.

**34.** If in a factory or workshop where grinding, glazing, or polishing on a wheel, or any process is carried on by which dust 25 is generated and inhaled by the workers to an injurious extent, it appears to an inspector under this Act that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the inspector may direct a fan or other mechanical means of a proper construction for preventing such inhalation, to be pro- 30 vided within a reasonable time; and if the same is not provided maintained and used, the factory or workshop shall be deemed not to be kept in conformity with this Act.

Protection of workers in wet-spinning. 7 & 8 Vict. c. 15. ss. 19, 32.

**35.** A child, young person, or woman shall not be employed in any part of a factory in which the wet-spinning of flax hemp 35 jute or tow is carried on, unless sufficient means be employed and continued for protecting the workers from being wetted, and, where hot water is used, for preventing the escape of steam into the room occupied by the workers.

A factory in which there is a contravention of this section shall 40 be deemed not to be kept in conformity with this Act.

(2.) *Special Restrictions as to Employment, Meals, and Certificates of fitness.*

A.D. 1877.

**36.** A child or young person shall not, to the extent mentioned in the First Schedule to this Act, be employed in the factories or  
5 workshops or parts thereof named in that schedule.

Notice of the prohibition in this section shall be affixed in a factory or workshop to which it applies.

**37.** A child, young person, or woman shall not be allowed to take a meal or to remain during the time allowed for meals in the  
10 parts of factories or workshops to which this section applies; and a child, young person, or woman allowed to take a meal or to remain in contravention of this section shall be deemed to be employed contrary to the provisions of this Act.

Notice of the prohibition in this section shall be affixed in a  
15 factory or workshop to which it applies.

This section applies to the parts of factories or workshops named in Part One of the Second Schedule to this Act.

Where it appears to a Secretary of State that by reason of the nature of the process in any class of factories or workshops or parts  
20 thereof not named in the said part of the said schedule, the taking of meals therein is specially injurious to health, he may, if he thinks fit, by order made under this part of this Act extend the prohibition in this section to the said class of factories or workshops or parts thereof.

**25** If the prohibition in this section is proved to the satisfaction of a Secretary of State to be no longer necessary for the protection of the health of children young persons and women in any class of factories or workshops or parts thereof to which the prohibition has been extended by an order, he may, by an order made under this part  
30 of this Act, rescind the order of extension, without prejudice nevertheless to the making of another order at a future period.

**38.** In print works and bleaching and dyeing works the period of employment for a child young person and woman and the time allowed for meals shall be the same as if the said works were a  
35 textile factory, and the regulations of this Act with respect to the employment of children young persons and women in a textile factory shall apply accordingly as if print works and bleaching dyeing works were textile factories; save that nothing in this section shall prevent the continuous employment in the said works,  
40 without an interval of *half an hour* for a meal, of a child young person or woman for the period allowed by this Act in a non-textile factory.

Prohibition of employment of children and young persons in certain factories or workshops. See 27 & 28 Vict. c. 48. s. 6. (5.) 30 & 31 Vict. c. 103. s. 7. 30 & 31 Vict. c. 146. s. 6. (5.) Meals not to be taken in certain parts of factories and workshops. See 27 & 28 Vict. c. 48. s. 6. 30 & 31 Vict. c. 103. s. 8.

In print works and bleaching and dyeing works, period of employment and time allowed for meals.



A.D. 1877.

Requirement  
of certificates  
of fitness for  
employment  
of children  
and young  
persons  
under  
sixteen in  
certain  
workshops.  
See 7 & 8  
Vict. c. 15.  
ss. 9-17;  
27 & 28 Vict.  
c. 48, s. 6.  
30 & 31 Vict.  
c. 103, s. 6.

**39.** In a workshop to which this section applies a child or young person under the age of *sixteen years* shall not be employed for more than *seven*, or, if the certifying surgeon for the district resides more than *three miles* from the workshop, *thirteen working days*, unless the occupier thereof has obtained a certificate in the pre-<sup>5</sup> scribed form of the fitness of such child or young person for employment in that workshop, and the provisions of this Act with respect to certificates of fitness for employment shall apply in like manner as if that workshop were a factory.

This section applies to the workshops specified in Part Two of <sup>10</sup> the Second Schedule to this Act.

Where it appears to a Secretary of State that by reason of special circumstances affecting any class of workshops not named in the said part of the said Schedule, it is expedient, for protecting the health of the children and young persons under the age of *sixteen* <sup>15</sup> *years* employed therein, to extend this section to such class of workshops, he may, if he thinks fit, by order made under this part of this Act, extend this section accordingly.

If the prohibition in this section is proved to the satisfaction of the Secretary of State to be no longer necessary for the protection <sup>20</sup> of the health of children and young persons under the age of sixteen years employed in any class of workshops to which this section has been extended by an order, he may, by order made under this part of this Act, rescind the order of extension, without prejudice nevertheless to the making of another order at a future <sup>25</sup> period.

(3.) *Special Exceptions relaxing General Law in certain Factories and Workshops.*

(a.) *Period of Employment.*

Period of employment between 8 a.m. and 8 p.m., in certain trades.  
See 30 & 31 Vict. c. 103, sch. 12.  
c. 146, sch. 9.

**40.** In the factories and workshops or parts thereof to which <sup>30</sup> this exception applies the period of employment for young persons and women, if so fixed by the occupier and specified in the notice, may, except on Saturday, begin at *eight o'clock* in the morning and end at *eight o'clock* in the evening, and may on Saturday begin at *eight o'clock* in the morning and end at *four o'clock* in the evening; <sup>35</sup> and the beginning of the period of employment for a child in a morning set and the end of the period of employment for a child in an afternoon set may be altered accordingly.

This exception applies to the factories and workshops and parts thereof specified in Part One of the Third Schedule to this Act. <sup>40</sup>

Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of

factories or workshops or parts thereof, either generally or when situate in any particular locality, require the extension thereto of this exception, and that the extension can be made without injury to the health of the children young persons and women affected thereby, he may by order made under this part of this Act extend this exception accordingly. A.D. 1877

41. Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of factories or workshops or parts thereof, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, and that such grant can be made without injury to the health of the young persons and women affected thereby, he may by order made under this part of this Act grant to such class of factories or workshops or parts thereof, a special exception that the period of employment for young persons and women therein, if so fixed by the occupier and specified in the notice, may on any day except Saturday begin at *nine o'clock* in the morning and end at *nine o'clock* in the evening, but in such case the period of employment for a child shall end at *eight o'clock* in the evening or some earlier hour.

Power to Secretary of State to allow period of employment between 9 a.m. and 9 p.m. in certain cases.

42. The regulations of this Act with respect to the employment of young persons in textile factories shall not prevent the employment in the part of a textile factory in which a machine for the manufacture of lace is moved by steam water or other mechanical power, of any male young person above the age of sixteen years between *four o'clock* in the morning and *ten o'clock* in the evening, if he is employed in accordance with the following conditions; namely,

Power in lace factories to work male young persons above 16 between 4 a.m. and 10 p.m. 24 & 25 Vict. c. 117. s. 2. 37 & 38 Vict. c. 44. s. 11.

(a.) Where such young person is employed on any day before the beginning or after the end of the period of employment for young persons under *sixteen years* of age or women in the factory, his hours of actual work on that day shall not exceed *nine hours*; and

(b.) Where such young person is employed on any day before the beginning of the period of employment for young persons under *sixteen years* of age or women in the factory, he shall not be employed on the same day after the end of that period; and

(c.) Where such young person is employed on any day after the end of the period of employment for young persons of *sixteen years* of age or women in the factory, he shall not be employed next morning before the beginning of such period of employment.

A.D. 1877. — If young persons under the age of *sixteen years* or women are not employed in the factory, the period of employment for the purpose of this exception shall mean such period as can under this Act be fixed for the employment of such young persons and women in the factory, and notice of such period shall be affixed in the factory. 5

Power of  
working male  
young per-  
sons above  
16 in bake-  
houses.  
See 26 & 27  
Vict. c. 40.  
s. 3.

43. The regulations of this Act with respect to the employment of young persons in non-textile factories or workshops shall not prevent the employment in the part of a bakehouse in which the process of baking bread is carried on of any male young person above the age of *sixteen years* between *five o'clock* in the morn- 10  
ing and *nine o'clock* in the evening, if he is employed in accordance with the following conditions ; namely,

- (a.) Where such young person is employed on any day before the beginning or after the end of the period of employment for young persons under *sixteen years* of age or women in the bakehouse, his hours of actual work on that day shall not exceed *nine hours* ; and 15
- (b.) Where such young person is employed on any day before the beginning of the period of employment for young persons under *sixteen years* of age or women in the bakehouse, he shall not be employed after the end of that period on the same day ; and 20
- (c.) Where such young person is employed on any day after the end of the period of employment for young persons under the age of *sixteen years* or women in the bakehouse, he shall not be employed next morning before the beginning of such period of employment. 25

If young persons under the age of *sixteen years* or women are not employed in the bakehouse, the period of employment for the purpose of this exception shall mean such period as can under this Act be fixed for the employment of such young persons and women in the bakehouse, and notice of such period shall be affixed in the bakehouse. 30

Where it is proved to the satisfaction of a Secretary of State that the exigencies of the trade carried on in bakehouses, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, and that such grant can be made without injury to the health of the male young persons affected thereby, he may by order made under this part of this Act grant to bakehouses, or to bakehouses situate in the said locality, a special exception permitting the employment of male young persons of *sixteen years* of age and upwards as if they were no longer young persons. 35 40

44. Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of factories or workshops, either generally or when situate in any particular locality, require some other day in the week to be substituted for Saturday as regards the hour at which the period of employment for children young persons and women is required by this Act to end on Saturday, he may by order made under this part of this Act grant to such class of factories or workshops, a special exception, authorising the occupiers of every such factory and workshop to substitute by a notice affixed in the factory or workshop some other day for Saturday, and in such case this Act shall apply in such factory and workshop in like manner as if the substituted day were Saturday, and Saturday were an ordinary work day.
45. In the process of Turkey red dyeing, nothing in Part One of this Act shall prevent the employment of young persons and women on Saturday until *half-past four o'clock* in the afternoon.
46. Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of factories or workshops, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, he may by order made under this part of this Act grant to such class of factories or workshops a special exception, authorising the occupier of any such factory or workshop to allow all or any of the half holidays, or whole holidays in lieu of them, on different days to any of the children young persons and women employed in his factory or workshop, or to any sets of such children young persons and women, and not on the same days.
47. Where the occupier of a factory or workshop is a person of the Jewish religion, the regulations of this Act with respect to the employment of young persons and women shall not prevent him—
- (1.) If he keeps his factory or workshop closed on Saturday until sunset, from employing young persons and women on Saturday from after sunset until *nine o'clock* in the evening; or
  - (2.) If he keeps his factory or workshop closed on Saturday both before and after sunset, from employing young persons and women one hour on every other day in the week (not being Sunday), in addition to the hours allowed by this Act, so that such hour be at the beginning or end of the period of employment, and be not before *six o'clock* in the morning or after *nine o'clock* in the evening.

A.D. 1877.

Substitution  
by Secretary  
of State of  
another half  
holiday for  
Saturday.  
30 & 31 Vict.  
c. 103. sch. 25.,  
c. 146. sch. 9.

Employment  
in Turkey  
red dyeing  
on Saturday  
up to 4.30  
p.m. See  
33 & 34 Vict.  
c. 62. Sch. 7.  
Giving half  
holidays and  
holidays on  
different  
days to  
different sets  
of children,  
young per-  
sons, and  
women. See  
30 & 31 Vict.  
c. 103.  
Sched. 25.

Employment  
of young  
persons and  
women by  
Jewish occu-  
piers of  
factories or  
workshops.  
See 30 & 31  
Vict. c. 103.  
Sched. 26.

A.D. 1877.  
 Employment  
 of Jews by  
 Jews on  
 Sunday.  
 See 34 & 35  
 Vict. c. 19.

**48.** No penalty shall be incurred by any person in respect of any work done on Sunday in a factory or workshop by a young person or woman of the Jewish religion, subject to the following conditions :

- (1.) The occupier of the factory or workshop shall be of the Jewish religion ; and 5
- (2.) The factory or workshop shall be closed on Saturday and shall not be open for traffic on Sunday ; and
- (3.) The occupier shall not avail himself of the exception in this part of this Act for the employment of young persons and women on Saturday evening, or for an additional hour 10 during any other day of the week.

Where the occupier avails himself of this exception, this Act shall apply to the factory or workshop in like manner as if Sunday were Saturday and the Saturday were Sunday.

(b.) *Meal Hours.*

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Exception as  
 to meal hours  
 being simul-  
 taneous and  
 as to employ-  
 ment or re-  
 maining in  
 room where  
 manufactur-  
 ing process  
 is carried on  
 during meal  
 hours.  
 See  
 30 & 31 Vict.  
 c. 103. sch.  
 16.  
 33 & 34 Vict.  
 c. 62. 1st  
 sch. 4.

**49.** The provisions of this Act which require that all the children young persons and women employed in a factory or workshop shall have the time allowed for meals at the same time in the day shall not apply in the cases mentioned in Part Two of the Third Schedule to this Act. 20

The provisions of this Act which require that a child young person and woman shall not, during any part of the time allowed for meals in a factory or workshop, be employed in the factory or the workshop, or be allowed to remain in a room in which a manu- facturing process or handicraft is being carried on, shall not apply 25 in the cases and to the extent mentioned in Part Two of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of factories or workshops, or parts thereof, it is necessary by reason of the continuous nature of the process, or of special 30 circumstances affecting such class, or of any temporary or special emergency affecting the business carried on in such class, to extend thereto the exceptions in this section or either of them, and that such extension can be made without injury to the health of the children young persons and women affected thereby, he may by 35 order made under this part of this Act extend such exceptions or exception accordingly.

(c.) *Overtime.*

Power to  
 employ  
 young per-  
 sons of 14  
 and women

**50.** The regulations of this Act with respect to the employment of young persons and women, shall not prevent the employment in 40 the factories and workshops or parts thereof to which this exception applies, of young persons, if upwards of *fourteen years* of age, and

of women for *fourteen hours* (inclusive of meal hours), on any one day, if they are employed in accordance with the following conditions; namely,

- (1.) The period of employment shall end at *eight o'clock* in the evening, or if such period begins at *seven o'clock* or any later hour in the morning, at *nine o'clock* in the evening; and
- (2.) Where the time allowed for meals under the said regulations of this Act is less than *two hours* during the period of employment, there shall be allowed an additional *half an hour* for a meal after the hour of *five* in the evening; and
- (3.) Any such young person or woman shall not be so employed on the whole for more than *five days* in any one week, nor for more than *forty-eight days* in any period of *twelve months*.

This exception applies to the factories and workshops and parts thereof specified in Part Three of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of factories or workshops or parts thereof, it is necessary by reason of the nature of the business depending on the weather or the seasons of the year, or by reason of any special emergency affecting the business, to employ young persons and women in manner authorised by this exception and that such employment will not injure the health of the young persons and women affected thereby, he may by order made under this part of this Act extend this exception to such factories or workshops or parts thereof.

**51.** If in any factory or workshop or part thereof to which this exception applies, the process in which a child young person or woman is employed is in an incomplete state at the end of the period of employment of such child young person or woman, the provisions of this Act with respect to the period of employment shall not prevent such child young person or woman from being employed for a further period not exceeding *thirty minutes* :

Provided that the hours of actual work of such child young person or woman in that week do not exceed the total number of hours for which such child young person or woman would have been permitted to actually work if this exception did not apply.

This exception applies to the factories and workshops specified in Part Four of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of factories or workshops or parts thereof the

A.D. 1877.  
for 14 hours  
a day.  
See  
30 & 31 Vict.  
c. 103.  
sch. 11, 13, 14.  
c. 146. sch. 6.  
33 & 34 Vict.  
c. 62.  
First Schedule,  
1, 6.  
34 & 35 Vict.  
c. 104. sch. 1.

Power to  
employ for  
half an hour  
after end of  
work where  
process is in  
an incom-  
plete state.  
See 30 & 31  
Vict. c. 103.  
Sch. 18., 20.  
33 & 34 Vict.  
c. 62. First  
Schedule 2.

A.D. 1877. — time for the completion of a process cannot by reason of the nature thereof be accurately fixed, and that the extension to such class of factories or workshops or parts thereof of this exception can be made without injury to the health of the children young persons and women affected thereby, he may by order made under 5 this part of this Act extend this exception accordingly.

Employment of young persons and women in Turkey red dyeing and open air bleaching to prevent damage.

33 & 34 Vict. c. 62. sch. 6.

Employment of women for 14 hours a day to preserve perishable articles. 33 & 34 Vict. c. 62., 2nd Sch.

52. Nothing in this Act shall prevent the employment of young persons and women so far as is necessary for the purpose only of preventing any damage which may arise from spontaneous combustion in the process of Turkey red dyeing, or from any extraordinary atmospheric influence in the process of open-air bleaching. 10

53. The regulations of this Act with respect to the employment of young persons and women shall not prevent the employment in the factories and workshops and parts thereof to which this exception applies of women for *fourteen hours* (inclusive of meal 15 hours) on any one day, if they are employed in accordance with the following conditions; namely,

- (a.) The period of employment shall end at *eight o'clock* in the evening, or if such period begins at *seven o'clock* or any later hour in the morning, at *nine o'clock* in the 20 evening; and
- (b.) There shall be allowed an additional *half an hour* for a meal after the hour of *five* in the evening; and
- (c.) Any such woman shall not be so employed on the whole for more than *five days* in any one week, nor for more 25 than *ninety-six days* in any period of *twelve months*.

This exception applies to the factories and workshops and parts thereof specified in Part Five of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of factories or workshops or parts thereof, it is 30 necessary by reason of the perishable nature of the articles or materials which are the subject of the manufacturing process or handicraft to employ women in manner authorised by this exception, and that such employment will not injure the health of the women employed, he may by order made under this part of this 35 Act extend this exception to such factories or workshops or parts thereof.

(e.) *Nightwork.*

Employment of male young persons of 14 at night.

54. Nothing in this Act shall prevent the employment in factories and workshops to which this exception applies of male 40 young persons when upwards of *fourteen years* of age during the

night, if they are employed in accordance with the following conditions : A.D. 1877.

(1.) The period of employment shall not exceed *twelve consecutive hours* (inclusive of meal hours), and shall begin  
5 and end at the hours specified in the notice; and

(2.) The provisions of Part One of this Act with respect to the allowance of time for meals to young persons shall be observed with the necessary modifications as to the hour at which the times allowed for meals are fixed; and

10 (3.) A male young person employed during the night shall not be employed during any part of the *twelve hours* preceding or succeeding the period of employment; and

(4.) A male young person shall not be employed on more than  
15 *six nights*, or in the case of blast furnaces or paper mills *seven nights*, in any *two weeks*.

The provisions of this Act with respect to the period of employment on Saturday, and with respect to the allowance to young persons of eight half holidays in every year, or of whole holidays in lieu of them, shall not apply to a male young person employed in  
20 day and night turns in pursuance of this exception.

This exception applies to the factories and workshops specified in Part Six of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of factories or workshops or parts thereof it is  
25 necessary, by reason of the nature of the business requiring the process to be carried on throughout the night, to employ male young persons at night, and that such employment will not injure the health of the male young persons employed, he may by order made under this part of this Act extend this exception to such  
30 factories or workshops or parts thereof.

55. In a factory or workshop in which the process of printing newspapers is carried on on not more than *two nights* in the week, nothing in this Act shall prevent the employment of a male young person of *sixteen years* of age and upwards at night  
35 during not more than *two nights* in a week, as if he were no longer a young person.

56. In a factory or workshop in which the making of glass is carried on, nothing in this Act shall prevent any male young person of upwards of *fourteen years* of age from working according to  
40 the accustomed hours of the factory or workshop, if he is employed in accordance with the following conditions; namely,

[123.]

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See 30 & 31  
Vict. c. 103.  
Sched. 17.  
30 & 31 Vict.  
c. 146.  
Sched. 7.

30 & 31 Vict.  
c. 103.,  
Sch. 23.

Employment  
in certain  
letter-press  
printing  
works of male  
young persons  
over 16  
at night.  
See 30 & 31  
Vict. c. 103.  
Sched. 13.  
s. 25. (f.)  
Employment  
of male  
young persons  
of 14  
at night, &c.  
in glass  
making,



A.D. 1877.

30 & 31 Vict.  
c. 103.  
Sched. 21.

- (1.) The total hours of the periods of employment shall not exceed *sixty* in any one week ; and
- (2.) The periods of employment (inclusive of meal hours) for any such young person shall not exceed *fourteen hours* in *four* separate turns per week, or *twelve hours* in *five* separate turns per week, or ten hours in six separate turns per week, or any less number of hours in the accustomed number of separate turns per week, so that such number of turns do not exceed *nine* ; and
- (3.) Such young person shall not work in any turn without an interval of time not less than one full turn ; and
- (4.) There shall be allowed to such young person during each turn (so far as is practicable) the same intervals for meals as are required by this Act to be allowed in any other non-textile factory or workshop.

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(4.) *Special exception for domestic and certain other workshops.*

Exception of  
domestic  
and certain  
other  
workshops  
from certain  
provisions of  
the Act.

57. The provisions of this Act, which relate—

- (1.) To the cleanliness (including lime-washing, painting, and washing), or to the overcrowding, or ventilation of a workshop ; or,
- (2.) To all children young persons and women employed in a workshop having the time allowed for meals at the same time in the day, or during any part of the time allowed for meals being employed or being allowed to remain in any room ; or
- (3.) To the affixing of any notice or abstract in a workshop ; or, specifying any matter in the notice ; or,
- (4.) To the allowance of any holidays to a child young person or woman ; or,
- (5.) To the sending notice of accidents ;
- shall not apply to a workshop
- (1.) In which no young person or child is employed ; or,
- (2.) Which is a dwelling-house, and in which the family only of the occupier living in that dwelling-house carry on the handicraft :

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Provided that nothing in this section shall exempt a bakehouse from the provisions of this Act with respect to cleanliness, (including lime-washing, painting, and washing).

(5.) *Supplemental as to Special Provisions.*

A.D. 1877.

58. Where it appears to a Secretary of State that the adoption of any special means or provision for the cleanliness or ventilation of a factory or workshop is required for the protection of the health of any child young person or woman employed in pursuance of an exception under this part of this Act, either for a longer period than is otherwise allowed by this Act, or at night, he may by order made under this part of this Act direct that the adoption of such means or provision shall be a condition of such employment.
59. Where an exception has been granted or extended under this part of this Act by an order of a Secretary of State, and it appears to a Secretary of State that such exception is injurious to the health of the children young persons or women employed in, or is no longer necessary for the carrying on of the business in the class of factories or workshops or parts thereof, to which the said exception was so granted or extended, he may by an order made under this part of this Act rescind the grant or extension, without prejudice to the making of another order at a future period.
60. Where a Secretary of State has power to make an order under this part of this Act, the following provisions shall apply to that order :
- (1.) The order shall be under the hand of the Secretary of State and shall be published in the London Gazette, and shall come into operation at the date of the publication in the London Gazette of the order, or at any later date mentioned in the order :
  - (2.) The order may be temporary or permanent, conditional or unconditional, and may extend a provision prohibition or exception, grant an exception, or rescind a previous order, either wholly or partly :
  - (3.) The order shall be laid before both Houses of Parliament, and if either House of Parliament, within *forty days* after the same has been so laid before it, resolve that such order ought to be annulled, the same shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under such order or to the making of any new order :
  - (4.) The order, while it is in force, shall, so far as is consistent with the tenor thereof, apply as if it formed part of the enactment which provides for the extension or grant or otherwise for making the order.

Requirement of sanitary provisions as condition of special exceptions.

Power to rescind order granting or extending exception.

Provision as to order of Secretary of State under Part Two of Act.  
See 30 & 31 Vict. c. 103. Sched.  
33 & 34 Vict. c. 62. Sched.  
34 & 35 Vict. c. 104. 1st Sched. (2.)

- A.D. 1877. **61.** An occupier of a factory or workshop, not less than *seven*  
*days* before he avails himself of any special exception under this  
 part of this Act, shall (except in the case of a workshop to which  
 the provisions of this Act with respect to notices do not apply) affix  
 in his factory or workshop and serve on an inspector notice of **5**  
 his intention so to avail himself, and whilst he avails himself of  
 the exception shall keep the notice so affixed.
- The notice so affixed shall specify the hours for the beginning  
 and end of the period of employment, and the times to be allowed  
 for meals to every child young person and woman where they **10**  
 differ from the ordinary hours or times.
- An occupier of a factory or workshop shall enter in the prescribed  
 register, and report to an inspector, the prescribed particulars  
 respecting the employment of any child young person or woman  
 in pursuance of any exception. **15**
- Where the occupier of a factory or workshop avails himself of  
 an exception under this part of this Act, and a condition for  
 availing himself of such exception (whether specified in this part of  
 this Act, or in the order granting or extending the exception) is not  
 observed in that factory or workshop, then **20**
- (1.) If such condition relates to the cleanliness, ventilation, or  
 overcrowding of the factory or workshop, the factory or  
 workshop shall be deemed not to be kept in conformity  
 with this Act; and
- (2.) In any other case a child young person or woman employed **25**  
 in the factory or workshop, in alleged pursuance of the  
 said exception, shall be deemed to be employed contrary to  
 the provisions of this Act.

Provisions as  
to occupier  
availing him-  
self of special  
exceptions  
and registry  
of work  
under them.

See 13 & 14  
Vict. c. 54.  
s. 6., 16 & 17  
Vict. c. 104.  
s. 2., 24 & 25  
Vict. c. 117.  
s. 2., 30 & 31  
Vict. c. 103.  
sch. 12, 15,  
33 & 34 Vict.  
c. 67. sch. 7, 8.

### PART III.

#### ADMINISTRATION, PENALTIES, AND LEGAL PROCEEDINGS. **30**

##### (1.) *Inspection.*

- 62.** A Secretary of State from time to time may appoint such  
 inspectors (under whatever title he may from time to time fix), and  
 such clerks and servants as he may, with the approval of the  
 Treasury, think necessary for carrying into effect the execution of **35**  
 this Act, and may assign to them their duties, and may constitute  
 a principal inspector with an office in London, and may regulate  
 the cases and manner in which they or any of them are to execute  
 and perform the powers and duties of inspectors under this Act,

Appoint-  
ment, pay-  
ment, &c.  
of inspectors  
of factories,  
and clerks  
and servants.  
See 3 & 4  
Will. 4. c. 103.  
ss. 17, 19.  
7 & 8 Vict.  
c. 15. ss. 2-6.

and may award such salaries as he, with the consent of the Treasury, thinks proper, and may remove such inspectors, clerks, and servants. A.D. 1877.

*All salaries paid to inspectors, clerks, and servants appointed under this Act, and all expenses incurred by them or by a Secretary of State in the execution of this Act, shall be paid out of moneys provided by Parliament.* See 3 & 4 W. 4. c. 103. s. 45.

Notice of the appointment of every such inspector shall be published in the London Gazette.

10 A person who is the occupier of a factory or workshop or is directly or indirectly interested therein or in any process or business carried on therein or in a patent connected therewith, or is employed in or about a factory or workshop, shall not act as an inspector under this Act.

15 An inspector under this Act shall not be liable to serve in any parochial or municipal office.

Such annual report of the proceedings of the inspectors under this Act as the Secretary of State from time to time directs shall be laid before both Houses of Parliament.

20 A reference in this Act to an inspector refers, unless it is otherwise expressed, to an inspector appointed in pursuance of this section, and a notice or other document required by this Act to be sent to an inspector shall be sent to such inspector as a Secretary of State may from time to time, by declaration published in the London Gazette or otherwise as he thinks expedient for making the same known to all persons interested direct, and the inspector named in such declaration shall be deemed to be for the purposes mentioned in the declaration the inspector of the district.

63. An inspector under this Act shall for the purpose of the execution of this Act have power to do all or any of the following things; namely,—

- (1.) To enter, inspect, and examine at all reasonable times by day and night any factory and workshop and every part thereof when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory or workshop, and to take with him on every such entry a certifying surgeon and any constable whom he may need to assist him, and any other officer whom he is authorised by this Act to take into a factory or workshop; and
- (2.) To require the production of the registers certificates notices and documents kept in pursuance of this Act, and to inspect, examine, and copy the same; and

Powers of inspectors. See 3 & 4 W. 4. c. 103. s. 18. 7 & 8 Vict. c. 15. ss. 3, 27. 30 & 31 Vict. c. 146. s. 10.

A.D. 1877.

See 30 & 31  
Vict. c. 146.  
s. 10.

- (3.) To make such examination and inquiry as may be necessary to ascertain whether the enactments of this Act and the enactments for the time being in force relating to public health are complied with, so far as respects the factory or workshop and the persons employed therein; 5  
and
- (4.) To enter any school in which he has reasonable cause to believe that children employed in a factory or workshop are for the time being educated; and
- (5.) To examine either alone or in the presence of any other 10  
person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory or workshop, or such a school as aforesaid, or whom he has reasonable cause to believe to be or to have been within the preceding *two months* employed in a factory or work- 15  
shop, and to require such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined; and
- (6.) To exercise such other powers as may be necessary for carrying 20  
this Act into effect.

The occupier of every factory and workshop his agents and servants, shall furnish the means required by an inspector as necessary for an entry inspection examination or inquiry under this Act in relation to such factory and workshop.

See  
7 & 8 Vict.  
c. 15. ss. 61,  
62.

Every person who wilfully delays an inspector in the exercise of 25  
any power under this section, or who fails to comply with a requisition of an inspector in pursuance of this section, or who conceals or prevents or attempts to conceal or prevent a child young person or woman from appearing before or being examined by an inspector, shall be deemed to obstruct an inspector in the execution of his 30  
duties under this Act.

Where an inspector is obstructed in the execution of his duties under this Act in a factory or workshop, the occupier of that factory or workshop shall be liable to a fine not exceeding *five*, 35  
or where the offence is committed at night *twenty*, pounds.

Certificates  
of appoint-  
ment of  
inspectors.  
30 & 31 Vict.  
c. 103. s. 11.  
c. 146. s. 20.

**64.** Every inspector under this Act shall be furnished with the prescribed certificate of his appointment, and on applying for admission to a factory or workshop shall, if required, produce to the occupier the said certificate.

Every person who forges or counterfeits any such certificate, 40  
or makes use of any forged, counterfeited, or false certificate, or personates the inspector named in any such certificate, or falsely pretends to be an inspector under this Act, shall be guilty

of a misdemeanor, and be liable on conviction on indictment to be imprisoned for any period not exceeding *three months, with or without hard labour*. A.D. 1877.

(2.) *Certifying Surgeons.*

5 **65.** Subject to such regulations as may be from time to time made by a Secretary of State, an inspector may from time to time appoint a sufficient number of legally qualified medical practitioners to be certifying surgeons for the purposes of this Act, and may from time to time revoke any such appointment. Appointment of certifying surgeons. See 7 & 8 Vict. c. 15. ss. 8, 16.

10 Every appointment and revocation of appointment of a certifying surgeon may be annulled by a Secretary of State upon appeal to him for that purpose.

A surgeon who is the occupier of a factory or workshop, or is directly or indirectly interested therein or in any process or business carried on therein or in a patent connected therewith, shall not be a certifying surgeon for that factory or workshop.

A Secretary of State may from time to time make rules for the guidance of certifying surgeons, and for the particulars to be registered respecting their visits, and for the forms of certificates and other documents to be used by them.

**66.** A certificate of fitness for employment shall not be granted for the purposes of this Act, except upon personal examination of the person named therein. Regulations as to the grant of certificates of fitness. See 7 & 8 Vict. c. 15. ss. 10 11.

A certifying surgeon shall not examine any child or young person for the purposes of a certificate of fitness for employment, or sign any such certificate elsewhere than at the factory or workshop where such child or person is or is about to be employed, unless the number of children and young persons employed in that factory or workshop are less than *ten*, or unless for some special reason allowed in writing by an inspector.

If a certifying surgeon refuses to grant for any person examined by him a certificate of fitness for employment, he shall when required give in writing and sign the reasons for such refusal.

**67.** With respect to the fees to be paid to certifying surgeons in respect of the examination of, and grant of certificates of fitness for employment for, children and young persons in factories or workshops the following provisions shall have effect :

(1.) The occupier may agree with the certifying surgeon as to the amount of such fees :

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Fees for certifying surgeons for examination of children and young persons. 7 & 8 Vict. c. 15. s. 13.

A.D. 1877.

- (2.) In the absence of any such agreement the fees shall be those named in the following scale :

When the examination is at a factory or workshop not exceeding one mile from the surgeon's residence.	2s. 6d. for each visit and 6d. for each person after the first five examined at that visit.	5
When the examination is at a factory or workshop more than one mile from the surgeon's residence.	The above fees and an additional 6d. for each complete half mile over and above the mile.	10
When the examination is not at the factory or workshop but at the residence of the surgeon, or at some place, day, or hour appointed by the surgeon for the purpose, and published in the prescribed manner.	6d. for each person examined.	15

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- (3.) The occupier shall pay the fees at the time at which the surgeon signs the certificates, or at any other time that may be directed by the inspector :
- (4.) The occupier may deduct the fee or any part thereof, not exceeding in any case *threepence*, from the wages of the person for whom the certificate was granted :
- (5.) A Secretary of State may from time to time, if he think it expedient, alter any fees fixed by this section.

(3.) *Miscellaneous.*

Notice of  
factory to  
be given to  
inspector.  
7 & 8 Vict.  
c. 15. ss. 7. 64.

**68.** Every person shall, within *one month* after he begins to occupy a factory, serve on an inspector a written notice containing the name of the factory, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power, and the name of the firm under which the business of the factory is to be carried on, and in default shall be liable to a fine not exceeding five pounds.

Regulation  
of hours by  
public clock.  
7 & 8 Vict.  
c. 15. s. 26.

**69.** Where an inspector, by notice in writing, names a public clock, or some other clock open to public view, for the purpose of regulating the period of employment in a factory or workshop, the period of employment and time allowed for meals for children young

persons and women in that factory or workshop shall be regulated by that clock, which shall be specified in the notice affixed in the factory or workshop. A.D. 1877.

70. The occupier of every factory and the occupier of every workshop in which a child or young person under the age of sixteen years is prohibited by or in pursuance of this Act from being employed without a certificate of fitness for employment, shall keep in the prescribed form and with the prescribed particulars registers of the children and young persons employed in that factory or workshop, and of their employment, and other matters under this Act.

Registers to be kept in a factory or workshop. 7 & 8 Vict. c. 15. ss. 9, 27, 64. 24 & 25 Vict. c. 117. s. 2., 30 & 31 Vict. c. 103. sch. 15., 33 & 34 Vict. c. 62. sch. 8.

The occupier of a factory or workshop shall send to an inspector such extracts from any register kept in pursuance of this Act as the inspector may from time to time require for the execution of his duties under this Act.

Where by reason of the number of children and young persons employed in a workshop (other than one above in this section mentioned), or otherwise, it seems expedient to a Secretary of State so to do, he may order the occupier of that workshop to keep a register under this section, with power to rescind such order, and while such order is in force this section shall apply to that workshop in like manner as if it were a factory.

In the event of a contravention of this section in a factory or workshop, the occupier of the factory or workshop shall be liable to a fine not exceeding *forty shillings*.

71. There shall be affixed at the entrance of every factory and workshop, and in such other parts thereof as an inspector may for the time being direct, and be constantly kept so affixed in the prescribed form and in such position as to be easily read by the persons employed in the factory or workshop,—

Affixing in factory or workshop of abstract of Act and notices. See 7 & 8 Vict. c. 15. ss. 28, 64.

- (1.) The prescribed abstract of this Act; and
- (2.) A notice of the name and address of the prescribed inspector; and
- (3.) A notice of the name and address of the certifying surgeon for the district; and
- (4.) A notice of the clock (if any) by which the period of employment and time for meals in the factory or workshop are regulated; and
- (5.) Every notice and document required by this Act to be affixed in the factory or workshop.

37 & 38 Vict. c. 44. s. 9.

In the event of a contravention of this section in a factory or workshop, the occupier of the factory or workshop shall be liable to a fine not exceeding *forty shillings*.

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Printing or  
writing and  
service of  
notices and  
documents,  
&c.  
See 7 & 8  
Vict. c. 15.  
s. 51.

**72.** Any notice, order, requisition, summons, and document under this Act may be in writing or print, or partly in writing and partly in print.

Any notice, order, requisition, summons, and document required or authorised to be served or sent for the purposes of this Act 5 may be served and sent by delivering the same to or at the residence of the person to whom it is addressed, or where addressed to the occupier of a factory or workshop by delivering the same or a true copy thereof to the agent of the occupier or some person in the factory or workshop; it may also be served or sent by post by 10 a prepaid letter, and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending, it shall be sufficient to prove that the notice, order, requisition, summons, or document 15 was properly addressed and put into the post, and the same when required to be served on or sent to the occupier of any factory or workshop shall be deemed to be properly addressed if addressed to the occupier of such factory or workshop at the factory or workshop, with the addition of the proper postal address, but without naming 20 the person who is the occupier.

(4.) *Public Establishments.*

Public establishment to be subject to Act.  
34 & 35 Vict.  
c. 104. s. 10.

**73.** A factory or workshop shall not be exempted from the provisions of this Act by reason that it belongs to the Crown, or that the articles manufactured therein, or otherwise the subject of any 25 manufacturing process or handicraft therein, being the property of the Crown, are not intended for sale.

Provided that in case of any public emergency it shall be lawful for a Secretary of State to exempt any such establishment from any of the provisions of this Act during the period named by him. 30

(5.) *Penalties.*

Fine for not keeping factory or workshop in conformity with Act.  
See 7 & 8  
Vict. c. 15.  
ss. 58-60.  
19 & 20 Vict.  
c. 38. s. 5.  
26 & 27 Vict.  
c. 40. ss. 4, 5.  
27 & 28 Vict.  
c. 48. s. 4.  
30 & 31 Vict.  
c. 103. s. 9.

**74.** If a factory or workshop is not kept in conformity with this Act, the occupier thereof shall be liable to a fine not exceeding *ten pounds*.

The court of summary jurisdiction, in addition to or instead of 35 inflicting such fine, may order certain means to be adopted by the occupier, within the time named in the order, for the purpose of bringing his factory or workshop into conformity with this Act; the court may, upon application, enlarge the time so named, but if, after the expiration of the time as originally limited or enlarged by 40 subsequent order, the order is not complied with, the occupier shall

be liable to a fine not exceeding *one pound for every day* that such non-compliance continues. A.D. 1877.

- 75.** If any person suffers any bodily injury in consequence of the occupier of a factory having neglected to fence any machinery required by or in pursuance of this Act to be securely fenced, the occupier of the factory shall be liable to a fine not exceeding *one hundred pounds*, the whole or any part of which may be applied for the benefit of the injured person, or otherwise as a Secretary of State determines. Penal compensation to person injured by want of fence to machinery. See 7 & 8 Vict. c. 15. s. 60.
- 10** Provided that the occupier of a factory shall not be liable to any fine under this section if an information against him for not fencing the part of the machinery by which the bodily injury was inflicted has been heard and dismissed previous to the time when the bodily injury was inflicted.
- 15** **76.** Where a child young person or woman is employed in a factory or workshop contrary to the provisions of this Act, the occupier of the factory or workshop shall be liable to a fine not exceeding *three*, or if the offence was committed during the night, *five pounds* for each child young person or woman so employed. Fine for employing children, young persons, and women contrary to the Act. See 7 & 8 Vict. c. 15. ss. 36, 56, 64, 65. 13 & 14 Vict. c. 54. s. 8. 30 & 31 Vict. c. 146. s. 7. 37 & 38 Vict. c. 44. s. 8.
- 20** A child, young person, or woman who is not allowed time for meals as required by this Act, or during the time allowed for meals is employed in the factory or workshop or allowed to remain in any room in contravention of the provisions of this Act, shall be deemed to be employed contrary to the provisions of
- 25** this Act. Fine on parent for allowing child to be employed contrary to the Act or neglecting to cause child to attend school. 7 & 8 Vict. c. 15. s. 57. 30 & 31 Vict. c. 146. s. 7.
- 77.** The parent of a child or young person shall,—
- (1.) If such child or young person is employed in a factory or workshop contrary to the provisions of this Act, be liable to a fine not exceeding *twenty shillings* for each offence, unless it appears to the court that such offence was committed without the consent connivance or wilful default of such parent; and
- (2.) If he neglects to cause such child to attend school in accordance with this Act, be liable to a fine not exceeding *twenty shillings* for each offence. Forgery of certificates, false entries and declarations. See 3 & 4 Will. 4. c. 103. s. 28. 7 & 8 Vict. c. 15. s. 63.
- 30**
- 35**
- 78.** Every person who forges or counterfeits any certificate required for the purposes of this Act (for the forgery or counterfeiting of which no other punishment is provided), or gives or signs any such certificate knowing the same to be false in any material particular, or utters or knowingly makes use of any certificate so forged, counterfeited, or false as aforesaid, or utters or knowingly makes use of as applying to any person any certificate which does
- 40**

A.D. 1877. not so apply, or personates any person named in any certificate, or wilfully connives at the forging, counterfeiting, giving, signing, uttering, making use, or personating as aforesaid, shall be liable to a fine not exceeding *twenty pounds*, or to imprisonment for a term not exceeding *three months, with or without hard labour*. 5

30 & 31 Vict.  
c. 146. s. 17.

Every person who wilfully makes a false entry in any register, notice, certificate, or document required by this Act to be kept, or wilfully makes or signs a false declaration under this Act, or knowingly makes use of any such false entry or declaration, shall be liable to a fine not exceeding *twenty pounds*, or to imprisonment for any term not exceeding *three months, with or without hard labour*. 10

Fine on person committing offence for which occupier is liable.

79. Where an offence for which the occupier of a factory or workshop is liable under this Act to a fine, has in fact been committed by some agent servant workman or other person, such agent servant workman or other person shall be liable to the same fine as if he were the occupier. 15

Power of occupier to exempt himself from fine on conviction of the actual offender.  
See 7 & 8 Vict.  
c. 15. s. 41.  
24 & 25 Vict.  
c. 117. s. 3.

80. Where the occupier of a factory or workshop is charged with an offence against this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier of the factory or workshop proves to the satisfaction of the court that he had used due diligence to enforce the execution of the Act, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the occupier shall be exempt from any penalty. 20 25

When it is made to appear to the satisfaction of an inspector at the time of discovering the offence, that the occupier of the factory or workshop had used all due diligence to enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the personal consent connivance or knowledge of the occupier, and in contravention of his orders, then the inspector shall proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the occupier of the factory or workshop. 30 35

Restraint on cumulative fines.  
7 & 8 Vict.  
c. 15. s. 44.  
See s. 65.

81. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger amount of fines than the highest fine fixed by this Act for the offence, except— 40

(a.) where the repetition of the offence occurs after an information has been laid for the previous offence; or A.D. 1877.

(b.) where the offence is one of employing two or more children young persons or women contrary to the provisions of this Act.

(4.) *Legal Proceedings.*

82. Save as is otherwise provided by this Act, all offences under this Act shall be prosecuted, and all fines under this Act shall be recovered, on summary conviction before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts. Prosecution of offences and recovery and application of fines. See 34 & 35 Vict. c. 104. s. 8.

A summary order may be made for the purposes of this Act by a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

All fines imposed in pursuance of this Act shall, save as otherwise expressly provided by this Act, be paid into the Exchequer.

The court of summary jurisdiction, when hearing and determining a case arising under this Act, shall be constituted either of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace.

Where any proceeding is taken before a court of summary jurisdiction with respect to an offence against this Act alleged to be committed in or with reference to a factory or workshop, the occupier of that factory or workshop, and the father son or brother of such occupier, shall not be qualified to act as a member of such court. See 7 & 8 Vict. c. 15. s. 71.

83. If any person feels aggrieved by a conviction or order made by a court of summary jurisdiction on determining an information or complaint under this Act, he may appeal therefrom; subject, in England, to the conditions and regulations following: Appeal to quarter sessions. See 7 & 8 Vict. c. 15. ss. 69, 70, and as to I., 14 & 15 Vict. c. 93. s. 24.

(1.) The appeal shall be made to the next practicable court of general or quarter sessions for the county or place in which the cause of appeal has arisen, holden not less than *twenty-one days* after the decision of the court from which the appeal is made:

(2.) The appellant shall, within *ten days* after the decision of the court, give notice to the other party and to the court of summary jurisdiction of his intention to appeal, and of the ground thereof:

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- (3.) The appellant shall, within *three days* after such notice, enter into a recognizance before a justice of the peace, with *two* sufficient sureties, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or shall, if such appeal is against an order or against a conviction whereby only a sum of money is adjudged to be paid, give such other security by deposit of money with the clerk of the court of summary jurisdiction or otherwise as the justice may allow : 5
- (4.) The appellant, after entering into such recognizance or giving such other security as aforesaid, shall forthwith give notice in writing thereof to the other party : 10
- (5.) The clerk of the court of summary jurisdiction shall, seven days at least before the sessions, transmit to the clerk of the peace the recognizance duly signed by the justice, or if such other security as aforesaid is taken a certificate thereof signed by such justice or clerk : 15
- (6.) Where the appellant is in custody the justice may, if he think fit, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody : 20
- (7.) The court of appeal may adjourn the appeal, and upon the hearing thereof may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just : 25
- (8.) The court of appeal may make such order as to costs to be paid by either party as the court thinks just : 30
- (9.) Whenever a decision is reversed by the court of appeal the clerk of the peace shall indorse on the conviction order or other adjudication a memorandum that the same has been so reversed, and whenever any copy or certificate of such conviction order or other adjudication is made, a copy of such memorandum shall be added thereto, and shall be sufficient evidence that the conviction order or other adjudication has been reversed, in every case where such copy or certificate would be sufficient evidence of such conviction order or other adjudication : 35
- (10.) Every notice in writing required by this section to be given by an appellant may be signed by him or his attorney on 40

his behalf, and every such notice and every recognizance and certificate mentioned in this section may be transmitted by the post in the ordinary way. A.D. 1877.

84. The following provisions shall have effect with respect to proceedings for offences and fines under this Act :

Limitation of time and general provisions as to summary proceedings. See

(1.) The information shall be laid within *two months*, or, where the offence is punishable at discretion by imprisonment, or is a breach of the provisions of this Act with respect to holidays, within *three months* after the commission of the offence :

7 & 8 Vict. c. 15. s. 69.  
7 & 8 Vict. c. 15. s. 44.

(2.) The description of an offence in the words of this Act, or as near thereto as may be, shall be sufficient in law :

(3.) Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant :

(4.) It shall be sufficient to allege that a factory or workshop is a factory or workshop within the meaning of this Act without more; and

(5.) It shall be sufficient to state the name of the ostensible occupier of the factory or workshop or the title of the firm by which the occupier employing persons in the factory or workshop is usually known :

7 & 8 Vict. c. 15. s. 51.

(6.) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction against which a person is authorised by this Act to appeal shall not be removed by certiorari or otherwise, either at the instance of the Crown or of any private person, into a superior court, except for the purpose of the hearing and determination of a special case.

7 & 8 Vict. c. 15. s. 69.

85. If any person is found in a factory, except at meal times, or while all the machinery of the factory is stopped, or for the sole purpose of bringing food to the persons employed in the factory between the hours of *four and five o'clock* in the afternoon, such person shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory :

Evidence in summary proceedings. See 3 & 4 Will. 4. c. 103. s. 14.  
7 & 8 Vict. c. 15. s. 52.

[123.]

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A.D. 1877. Provided that yards, playgrounds, and places open to the public view, schoolrooms, waiting rooms, and other rooms belonging to the factory in which no machinery is used or manufacturing process carried on, shall not be taken to be any part of the factory within the meaning of this enactment. 5

See 7 & 8  
Vict. c. 15.  
ss. 53, 55.  
36 & 37 Vict.  
c. 86. s. 24.  
39 & 40 Vict.  
c. 79. s. 37.

Where a child or young person is, in the opinion of the court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the child or young person is not of that age.

See  
7 & 8 Vict.  
c. 15. ss. 53.

A declaration in writing by a certifying surgeon for the district that he has personally examined any person employed in a factory or workshop in that district, and believes him to be under the age set forth in the declaration, shall be admissible in evidence of the age of that person. 10

See 7 & 8  
Vict. c. 15.  
s. 67.

A copy of a conviction for an offence against this Act purporting to be certified under the hand of the clerk of the peace having the custody of such conviction to be a true copy shall be receivable as evidence, and every such clerk of the peace shall, upon the written request of an inspector and payment of a fee of *one shilling*, deliver to him a copy of the conviction so certified. 15

#### PART IV.

20

#### DEFINITIONS, SAVINGS, APPLICATION TO SCOTLAND AND IRELAND, AND REPEAL.

##### (1.) *Definitions.*

Definition of  
"manufac-  
turing pro-  
cess,"  
"handicraft,"  
"factory,"  
"textile fac-  
tory," and  
"workshop."  
See 7 & 8  
Vict. c. 15.  
s. 73.  
24 & 25 Vict.  
c. 117. s. 6.  
27 & 28 Vict.  
c. 48. sch.  
30 & 31 Vict.  
c. 103. s. 3.,  
c. 146. s. 4.  
37 & 38 Vict.  
c. 44. s. 20.

**86.** For the purposes of this Act, unless the context otherwise requires— 25

"Manufacturing process" as respects a factory, and "handicraft" as respects a workshop, means any manual labour exercised by way of trade or for purposes of gain in or incidental to the making any article or part of an article, or in or incidental to the altering, repairing, ornamenting, finishing, or otherwise adapting for sale any article; and 30

"Factory" means any premises within the same close or curtilage in which or in any part of which any manufacturing process is carried on with the aid of steam water or other mechanical power; and 35

A part of such premises which is used solely for the purpose of a dwelling-house or for any purpose other than the said manufacturing process or some works incidental to or connected with the said manufacturing process shall not by reason only of its being within the same close or curtilage be deemed to be part 40

of the factory, but save as aforesaid every part of such premises shall be deemed to be part of the factory, although not containing any machinery; and A.D. 1877.

5 “Textile factory” means, subject as herein-after mentioned, any factory in which there is carried on the preparing, manufacturing, or finishing, or any process incident to the manufacture of cotton, wool, hair, silk, flax, hemp, jute, or tow, either separately or mixed together, or mixed with any other material or of any fabric made thereof; and

10 “Non-textile factory” means any factory not a textile factory; and

“Workshop” means any premises, room, or place in which any handicraft is carried on by any persons, and which is not a factory as before defined, and to which and over which the employer of such persons has the right of access and control; and

15 A part of any such premises, room, or place which is used solely for the purpose of a dwelling-house shall not be deemed to be part of the workshop; and

Any premises or place shall not be excluded from the definition of a factory or a workshop by reason only that the same are or is in the open air.

20 Any part of a factory or workshop may be taken to be a separate factory or workshop within the meaning of this Act.

87. In this Act, unless the context otherwise requires,—

25 “Bakehouse” means any premises room or place in which bread, biscuits, or confectionery are baked from the baking or selling of which a profit is derived : Definitions of certain factories and workshops.

“Blast furnace” means any blast furnace or other furnace or premises in which the process of smelting or otherwise obtaining any metal from the ores is carried on : “Bakehouses.”  
26 & 27 Vict.  
c. 40, s. 2.  
“Blast furnaces.”

30 “Bleaching and dyeing works” means any premises room or place in which the processes of bleaching, beetling, dyeing, calendering, finishing, hooking, lapping, and making up and packing any yarn or cloth of any material, or the dressing or finishing of lace, or any one or more of such processes, or any process incidental thereto, are or is carried on : 30 & 31 Vict.  
c. 103. s. 3.  
“Bleaching and dyeing works.”  
33 & 34 Vict.  
c. 62. s. 2.

35 “Iron mill” means any mill, forge, or other premises or place in which any process is carried on for converting iron into malleable iron, steel, or tin plate, or for otherwise making or converting steel : “Iron mill.”  
30 & 31 Vict.  
c. 103. s. 3.

40 “Pit-bank” means any premises or place in which the dressing of ore obtained from a mine within the meaning of the Metalliferous Mines Regulation Act, 1872, is carried on, “Pit-bank.”  
35 & 36 Vict.  
c. 77.

[123.]

F



- A.D. 1877.  
—
- whether such premises do or do not form part of the mine within the meaning of that Act :
- “Print works.”  
33 & 34 Vict.  
c. 62. s. 3.      “Print works” means any premises room or place in which persons are employed to print figures, patterns, or designs upon any cotton, linen, woollen, worsted, or silken yarn, or upon any woven or felted fabric, not being paper : 5
- “Public laundry.”      “Public laundry” means any premises room or place in which the business of washing articles of wearing apparel, sheets, towels, or other articles is carried on for profit :
- “Quarry.”      “Quarry” means any premises or place, not being a mine, in which persons work in getting slate, stone, coprolites, or other minerals : 10
- “Rope works.”  
9 & 10 Vict.  
c. 40.      “Rope works” means any ropery, ropewalk, or rope work in which machinery moved by steam water or other mechanical power is not used for drawing or spinning the fibres of flax hemp jute or tow, but only for laying or twisting or other process of preparing or finishing the lines twines cords or ropes, and which has no internal communication with any buildings or premises forming or forming part of a textile factory within the meaning of this Act, except such as is necessary for the transmission of power : 15 20
- “Shipbuilding yard.”      “Shipbuilding yard” means any premises or place in which any ships, boats, or vessels used in navigation are made, finished, or repaired : 25
- Any premises or place shall not be excluded from a definition in this section by reason only that the same are or is in the open air.
- Application of Act to certain works.      **88.** Where a part of any premises within the same close or curtilage defined by this Act to be a textile factory is used solely for the purpose of the manufacture of goods made entirely of any material other than those enumerated in the definition of textile factory, such part shall be deemed not to be a textile factory, but shall be deemed, according to circumstances, to be a non-textile factory or a workshop. 30
- Hat manufactories, paper mills, and rope works shall not be deemed for the purposes of this Act to be textile factories, but shall be deemed, according to circumstances, to be non-textile factories or workshops. 35
- Blast furnaces, bleaching and dyeing works, and print works shall be deemed for the purposes of this Act to be non-textile factories, whether the manufacturing process is or is not carried on with the aid of steam water or other mechanical power. 40

This Act shall apply to a pit-bank, public laundry, quarry, and shipbuilding yard in like manner, if the work therein is carried on with the aid of steam water or other mechanical power, as if the same were a non-textile factory, and if the work therein is carried on without such aid, as if the same were a workshop.

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**89.** A child young person or woman who works in a factory or workshop, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory or workshop used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, shall, save as is otherwise provided by this Act, be deemed to be employed therein within the meaning of this Act.

Definition of  
"employ-  
ment."  
7 & 8 Vict.  
c. 15. s. 73.  
30 & 31 Vict.  
c. 146. s. 4.  
26 & 27 Vict.  
c. 40. s. 2.

**90.** "Certified efficient school" in this Act means a public elementary school within the meaning of the Elementary Education Acts, 1870 and 1873, and any workhouse school in England certified to be efficient by the Local Government Board, and also any elementary school which is not conducted for private profit, and is open at all reasonable times to the inspection of Her Majesty's inspectors of schools, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as may be for the time being required by the Education Department, and is certified by the Education Department to be an efficient school.

Definition of  
"certified  
efficient  
school."  
See 39 & 40  
Vict. c. 79.  
s. 48.

**91.** In this Act, unless the context otherwise requires,—

"Child" means a child under the age of *fourteen years* :

"Young person" means a person of the age of *fourteen years*, and under the age of *eighteen years* :

**30** "Woman" means a woman of *eighteen years* of age and upwards :

"Parent" means a parent guardian or person having the legal custody of or the control over a child or young person, or having direct benefit from the wages of a child or young person :

**35** "Treasury" means the Commissioners of Her Majesty's Treasury :

"Secretary of State" means one of Her Majesty's Principal Secretaries of State :

**40** "Education Department" means the Lords of the Committee of the Privy Council on Education :

"Sanitary authority" means an urban or rural sanitary authority within the meaning of the Public Health Act, 1875 :

General de-  
finitions.  
See 7 & 8  
Vict. c. 15.  
s. 73.  
37 & 38 Vict.  
c. 44. s. 12.  
"Child."  
"Young  
person."  
"Woman."  
"Parent."  
See also  
30 & 31 Vict.  
c. 146. s. 4.  
"Treasury."  
"Secretary  
of State."  
"Education  
Depart-  
ment."  
"Sanitary  
authority."

"Person."	"Person" includes a body of persons corporate or unincorporate :	
"Week."	"Week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night :	
"Night." See 30 & 31 Vict. c. 146. Sch. 7.	"Night" means the period between <i>nine o'clock</i> in the evening and <i>six o'clock</i> in the succeeding morning :	5
"Pre-scribed."	"Prescribed" means prescribed for the time being by a Secretary of State :	
"Summary Jurisdiction Acts."	"Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelve years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to 10 "facilitate the performance of the duties of justices of the "peace out of sessions within England and Wales with "respect to summary convictions and orders," and any Acts amending the same :	
"Court of summary jurisdiction."	"Court of summary jurisdiction" means any justice or justices 20 of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to :	
"Mill gear-ing."	"Mill-gearing" comprehends every shaft, whether upright, 25 oblique, or horizontal, and every wheel, drum, or pulley by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process.	

(2.) *Savings.*

Saving as to liability of hirer of machine where not occupier. See 30 & 31 Vict. c. 103. sch. 27 ; 30 & 31 Vict. c. 146. s. 11.	<b>92.</b> Where in any factory the owner or hirer of any machine 30 or implement moved by steam water or other mechanical power, in or about or in connexion with which machine or implement children young persons or women are employed, is some person other than the occupier of the factory, and such children, young persons, or women are in the employment and pay of the owner or 35 hirer of such machine or implement, in any such case such owner or hirer shall, so far as respects any offence against this Act which may be committed in relation to such children young persons or women, be deemed to be the occupier of the factory.	
Saving for person employed in repair of machinery or factory workshop. 7 & 8 Vict. c. 15. s. 73. and for process of curing fish. 34 & 35 Vict. c. 104. s. 4.	<b>93.</b> Nothing in this Act shall extend— 40 (1.) To any young person, being a mechanic, artisan, or labourer, working only in repairing either the machinery in or any part of a factory or workshop ; or (2.) To the process of gutting salting and packing fish imme- 45 diately upon its arrival in the fishing boats.	

**94.** The provisions of section ninety-one of the Public Health Act, 1875, with respect to a factory workshop or workplace, not kept in a cleanly state or not ventilated or overcrowded, shall not apply to a factory or workshop which is subject to the provisions of this Act relating to cleanliness ventilation and overcrowding.

Exemption of factories and workshops from 38 & 39 Vict. c. 55. s. 91.

**95.** Any enactment or document referring to the Factory Acts, 1833 to 1874, or to the Workshop Acts, 1867 to 1871, or any of them, or to any enactment thereof, shall be construed to refer to this Act and to the corresponding enactment thereof.

Construction of enactments referring to Factory or Workshop Acts.

10 (3.) *Application of Act to Scotland and Ireland.*

**96.** The provisions of this Act shall, in the case of a factory or workshop in Scotland or Ireland, be modified as follows; that is to say,

Temporary saving for employment of children under ten and children over thirteen in Scotland and Ireland. 37 & 38 Vict. c. 44. s. 13. 39 & 40 Vict. c. 79. s. 51.

15 (1.) Shall apply during *twelve months* after the commencement of this Act to children of the age of *nine years* and upwards, as if they were of the age of *ten years*; and

(2.) Shall not prevent a child who, before the commencement of this Act, is lawfully employed in any factory or workshop as a child under the age of *nine years*, or any child who during the *twelve months next after the commencement of this Act* is lawfully employed in any factory or workshop as a child under the age of *ten years*, from continuing to be employed in a factory or workshop in like manner as if the child were above the age of *ten years*; and

25 (3.) Shall apply during *twelve months* after the commencement of this Act to children of the age of *thirteen years* and upwards as if they were young persons; and

30 (4.) Shall not prevent a child, who before the expiration of *twelve months* after the commencement of this Act is lawfully employed in a factory or workshop as a young person, from continuing to be employed in a factory or workshop as a young person.

**97.** In Scotland or Ireland where the age of any child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child, any person, on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by a Secretary of State, and on payment of such

Certificates of birth for purposes of Act. See 39 & 40 Vict. c. 79. s. 25. as to E.

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(1.) In Scotland an extract under the hand of the registrar under the Act of the seventeenth and eighteenth years of Her present Majesty, chapter eighty, and any Acts amending 5 the same, of the entry in the register kept under those Acts; and

(2.) In Ireland a certified copy under the hand of the registrar or superintendent registrar under the Registration of Births and Deaths (Ireland) Act of the entry in the register under 10 that Act of the birth of the child named in the requisition.

26 & 27 Vict.  
c. 11.

Application  
of Act to  
Scotland.  
37 & 38 Vict.  
c. 44. s. 15.  
7 & 8 Vict.  
c. 15. ss. 37,  
32.

**98.** In the application of this Act to Scotland—

(1.) “Certified efficient school” means any public or other elementary school under Government inspection :

(2.) In lieu of Christmas Day and either Good Friday or the 15 next public holiday under the Holidays Extension Act, 1875, there shall be allowed as a holiday to every child young person and woman employed in a factory or workshop the whole of *two days* separated from each other by an interval of not less than *three months*, one of which 20 shall be a day set apart by the Church of Scotland for the observance of the sacramental fast in the parish in which the factory or workshop is situate, or some other day substituted for such day as aforesaid by the occupier specifying the same in the notice affixed in the factory or 25 workshop :

(3.) “Sanitary authority” means the local authority under the Public Health (Scotland) Act, 1867 :

(4.) “Medical officer of health” means the medical officer under the Public Health (Scotland) Act, 1867, or where no such 30 officer has been appointed, the medical officer appointed by the parochial board :

8 & 9 Vict.  
c. 17.

(5.) The “Companies Clauses Consolidation Act, 1845,” means the Companies Clauses Consolidation (Scotland) Act, 1845 :

(6.) “Summary Jurisdiction Acts” means “The Summary Procedure Act, 1864,” and any Acts amending the same : 35

(7.) “Court of summary jurisdiction” means the sheriff of the county or any of his substitutes :

(8.) “Education Department” means the Lords of the Com- 40 mittee of the Privy Council appointed by Her Majesty on Education in Scotland :

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- (9.) "County court" means the sheriff court :
- (10.) All matters required by this Act to be published in the London Gazette shall (if they relate exclusively to Scotland) instead of being published in the London Gazette, be published in the Edinburgh Gazette only :
- (11.) "Misdemeanor" means crime and offence :
- (12.) "Information" means petition or complaint :
- (13.) "Informant" means petitioner, pursuer, or complainer :
- (14.) "Defendant" means defender or respondent :
- (15.) "Clerk of the peace" means sheriff clerk :
- (16.) All offences under this Act shall be prosecuted and all penalties under this Act shall be recovered under the provisions of the Summary Jurisdiction Acts at the instance of the procurator fiscal or of an inspector under this Act :
- (17.) The court may make, and may also from time to time alter or vary, summary orders under this Act on petition by such procurator fiscal or inspector presented in common form :
- (18.) All fines under this Act in default of payment, and all orders made under this Act failing compliance, may be enforced by imprisonment for a term to be specified in the order or conviction, but not exceeding *three months* :
- (19.) It shall be no objection to the competency of an inspector to give evidence as a witness in any prosecution for offences under this Act, that such prosecution is brought at the instance of such inspector :
- (20.) Every person convicted of an offence under this Act shall be liable in the reasonable costs and charges of such conviction :
- (21.) All penalties imposed and recovered under this Act shall be paid to the clerk of the court, and by him accounted for and paid to the Queen's and Lord Treasurer's Remembrancer, on behalf of Her Majesty's Exchequer, and shall be carried to the Consolidated Fund :
- (22.) All jurisdictions, powers, and authorities necessary for the purposes of this section are conferred on the sheriffs and their substitutes :
- (23.) Any person may appeal from any order or conviction under this Act to the Court of Justiciary, under and in terms of the Act of the twentieth year of the reign of His Majesty King George the Second, chapter forty-three, or under any enactment amending that Act, or applying or incorporating

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its provisions, or any of them, with regard to appeals, or to the Court of Justiciary at Edinburgh under and in terms of "The Summary Prosecutions Appeal (Scotland) Act, 1875."

Application  
of Act to  
Ireland.

**99.** In the application of this Act to Ireland—

5

- (1.) "Certified efficient school" means any national school:
- (2.) "Sanitary authority" means an urban or rural sanitary authority within the meaning of the Public Health (Ireland) Act, 1874, and any Act amending the same:
- (3.) "Medical officer of health" means the medical sanitary officer of the sanitary district: 10
- (4.) Any act authorised to be done or consent required to be given by the Education Department under this Act shall be done and given by the Lord Lieutenant or Lords Justices of Ireland, acting by and with the advice of the Privy Council in Ireland: 15
- (5.) "County court" means the civil bill court:
- (6.) "Summary Jurisdiction Acts" means within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and any Act amending the same: 20
- (7.) A court of summary jurisdiction when hearing and determining an information or complaint in any matter arising under this Act shall be constituted within the police district of Dublin metropolis of one of the divisional justices of that district sitting at a police court within the district, and elsewhere of a stipendiary magistrate sitting alone, or with others, or of *two or more* justices of the peace sitting in petty sessions at a place appointed for holding petty sessions: 25
- (8.) Appeals from a court of summary jurisdiction shall lie in the manner and subject to the conditions and regulations prescribed in the twenty-fourth section of the Petty Sessions (Ireland) Act, 1851, and any Acts amending the same: 30
- (9.) All fines imposed under this Act shall, save as is otherwise expressly provided by this Act, be applied in the manner directed by the Fines Act (Ireland), 1851, and any Act amending the same: 40

37 & 38 Vict.  
c. 44. s. 12.

14 & 15 Vict.  
c. 98.

(10.) The provisions of section nineteen of the Public Health Act, 1866, or of any enactment substituted for that section, A.D. 1877.

5 shall not apply to any factory or workshop which is subject to the provisions of this Act with respect to cleanliness, ventilation, and overcrowding :

10 (11.) All matters required by this Act to be published in the London Gazette, shall, if they relate exclusively to Ireland, instead of being published in the London Gazette, be published in the Dublin Gazette only.

(4.) *Repeal.*

100. The Acts specified in the Fourth Schedule to this Act are hereby repealed from and after the commencement of this Act to the extent in the third column of that schedule mentioned : Repeal of Acts.

Provided that—

(1.) All notices affixed in the factory in pursuance of the Acts hereby repealed shall, so far as they are in accordance with the provisions of this Act, be deemed to have been affixed in pursuance of this Act ; and

20 (2.) All inspectors, sub-inspectors officers clerks and servants appointed in pursuance of the Acts hereby repealed shall continue in office as if they had been appointed in pursuance of this Act ; and

25 (3.) All certifying surgeons appointed in pursuance of any Act hereby repealed shall be deemed to have been appointed in pursuance of this Act ; and

30 (4.) All surgical certificates granted in pursuance of any Act hereby repealed shall have effect as certificates of fitness for employment granted in pursuance of this Act, and all registers kept in pursuance of any Act hereby repealed shall, until otherwise directed by a Secretary of State, be deemed to be the registers required by this Act ; and

35 (5.) Any order made by the Secretary of State in pursuance of any enactment hereby repealed for granting any permission or relaxation to any factories or workshops may, if the Secretary of State so direct, continue in force for a period not exceeding *three months* after the commencement of this Act ; and

40 (6.) The standard of proficiency fixed by the Education Department in pursuance of any enactment hereby repealed

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shall be deemed to have been fixed in pursuance of this Act; and

- (7.) A child exempted by section eight of the Elementary Education Act, 1876, from the provisions of section twelve of the Factory Act, 1874, shall, on attaining the age of *thirteen years*, be deemed to be a young person within the meaning of this Act : 5
- (8.) This repeal shall not affect—
- (a.) Anything duly done or suffered under any enactment hereby repealed ; or 10
  - (b.) Any obligation or liability incurred under any enactment hereby repealed ; or
  - (c.) Any penalty or punishment incurred in respect of any offence committed against an enactment hereby repealed ; or 15
  - (d.) Any legal proceeding or remedy in respect of any such obligation liability, penalty, or punishment as aforesaid, and any such legal proceeding and remedy may be carried on as if this Act had not passed. 20

## SCHEDULES.

### FIRST SCHEDULE.

*Factories or Workshops in which Employment of Young Persons  
and Children is restricted.*

- |    |   |  |  |
|----|---|--|--|
| 5  | 1. In a part of a factory or workshop in which there is carried on—   | The process of silvering of mirrors by the mercurial process ; or<br>The process of making white lead,<br>a young person or child shall not be employed. | Young persons and children in processes tending to destroy health.                                 |
| 10 | 2. In the part of a factory or workshop in which the process of melting or annealing glass is carried on a child or female young person shall not be employed.  |  | Children and female young persons in parts of glass works. See 30 & 31 Vict. c. 103. s. 7.         |
| 15 | 3. In a factory or workshop in which there is carried on :<br>(a.) The making or finishing of bricks or tiles not being ornamental tiles ; or<br>(b.) The making or finishing of salt,<br>a girl under the age of <i>sixteen years</i> shall not be employed. |  | Girls under 16 in certain unsuitable employments. See 34 & 35 Vict. c. 104. s. 5.                  |
| 20 | 4. In a part of a factory or workshop in which there is carried on :<br>(a.) Metal grinding, or<br>(b.) The dipping of lucifer matches,<br>a child shall not be employed.   |  | Children in metal grinding and lucifer match making. 30 & 31 Vict. c. 103. s. 7. and c. 146, s. 6. |
|    | 5. In fustian cutting a child under the age of <i>eleven years</i> shall not be employed.   |  | Child under 11 in fustian cutting. 27 & 28 Vict. c. 48. s. 6. : 30 & 31 Vict. c. 146. s. 6.        |

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## SECOND SCHEDULE.

## SPECIAL RESTRICTIONS.

## PART ONE.

*Places forbidden for Meals.*

Parts of factories or workshops in which by reason of the special unhealthiness of the process children, young persons, and women are forbidden to take meals.

See  
27 & 28 Vict.  
c. 48. s. 6.  
30 & 31 Vict.  
c. 103. s. 8.

The prohibition on a child, young person, or woman taking a meal or remaining during the time allowed for meals in certain parts of factories or workshops applies to the parts of factories and workshops following; that is to say,

- (1.) In the case of a factory or workshop where glass is made, to any part of such factory or workshop in which the materials are mixed; and
- (2.) In the case of any factory or workshop where flint glass is made, any part of that factory or workshop in which the work of grinding, cutting, or polishing is carried on; and
- (3.) In the case of any factory or workshop, to any part of the factory or workshop in which the making of lucifer matches or any process incidental to the making of lucifer matches (except that of cutting the wood) is usually carried on; and
- (4.) In the case of a factory or workshop where earthenware of any description is made or finished, to any part of the factory or warehouse known or used as dippers house, dippers drying room, or china scouring room.

## PART TWO.

*Certificates of Fitness in Workshops.*

Workshops in which by reason of special circumstances affecting the workshop, certificates of fitness are required for the protection of the health of the children and young persons under 16 employed therein.

The provision prohibiting the employment of children and young persons under the age of *sixteen years* unless the occupier has first obtained a certificate of their fitness for employment applies to every workshop (other than one which is a dwelling-house where the family only of the occupier living in that dwelling-house carry on the handicraft) in which any of the following handicrafts is carried on, namely,

- (a.) The making or finishing of earthenware (except bricks and tiles not being ornamental tiles):
- (b.) The making of lucifer matches:
- (c.) The making of percussion caps:
- (d.) The making of cartridges (other than the manufacture of paper or other material for the cases of the cartridges):
- (e.) The printing of a pattern in colours upon sheets of paper;

- (f.) Fustian cutting :  
 (g.) The founding or casting of any metal :  
 (h.) The making of glass :  
 (i.) The manufacture of tobacco :  
 5 (j.) Letter-press printing :  
 (k.) Bookbinding ; or,  
 (l.) The making of india-rubber or gutta percha, or of any article  
 made wholly or partly of india-rubber or gutta percha.

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See 27 & 28  
 Vict. c. 48.  
 s. 6 ; 30 & 31  
 Vict. c. 103.  
 s. 6.

### THIRD SCHEDULE.

#### SPECIAL EXCEPTIONS.

10

#### PART ONE.

##### *Period of Employment.*

- The exception respecting the employment of children, young persons, and women between the hours of *eight* in the morning and *eight* in the evening, and on Saturday between the hours of *eight* in the morning and *four* in the afternoon applies to any factory or workshop or part thereof in which any of the following manufacturing processes or handicrafts are carried on ; that is to say,
- 15 (a.) Letter-press printing :  
 20 (b.) Lithographic printing :  
 (c.) Book-binding :  
 (d.) Turkey-red dyeing :  
 (e.) The making of any article of wearing apparel :  
 (f.) The making of furniture hangings :  
 25 (g.) Artificial flower making :  
 (h.) Bon bon and Christmas present making :  
 (i.) Valentine making :  
 (j.) Fancy box making :  
 (k.) Envelope making :  
 30 (l.) Almanac making :  
 (m.) Playing card making :  
 (n.) Machine ruling :  
 (o.) Biscuit making :  
 (p.) Firewood cutting :  
 35 (q.) Job dyeing :  
 (r.) Aërated water making ; and also
- to a part of a factory or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods.

Employment  
 of children,  
 young persons,  
 and women  
 between 8 a.m.  
 and 8 p.m. in  
 certain trades  
 in which the  
 customs or  
 exigencies of  
 the trade, either  
 generally or in  
 any particular  
 locality,  
 require it.  
 See 33 & 34  
 Vict. c. 62.  
 sch. 7.

7 & 8 Vict.  
 c. 15. s. 73.

[123.]

G 3

A.D. 1877.

## PART TWO.

*Meal Hours.*

Cases in which meals are allowed to be taken at different times by reason of the continuous nature of the process or of special circumstances.  
30 & 31 Vict. c. 103. sch. 16.; 33 & 34 Vict. c. 62. 1st sch. 4.

The cases in which the provisions of this Act as to meals being allowed at the same time in the day are not to apply are—

- (1.) The case of children, young persons, and women employed 5 in the following factories and workshops :

Blast furnaces,  
Iron mills,  
Paper mills; and

Any factory or workshop in which the process of making 10 glass or of letterpress printing is carried on; and

- (2.) The case of male young persons employed in that part of any print works or bleaching and dyeing works in which the process of dyeing or open air bleaching is carried on.

Cases and extent to which persons are allowed during meal time to be employed in the factory or workshop by reason of the continuous nature of the process or of special circumstances.  
30 & 31 Vict. c. 103. sched. 16.; 33 & 34 Vict. c. 62. 1st sch. 4.

The cases in which and the extent to which the provisions of this 15 Act as to a child young person or woman during the time allowed for meals being employed or being allowed to remain in a room in which a manufacturing process or handicraft is being carried on, are not to apply are,—

- (1.) The case of children young persons and women employed 20 in the following factories and workshops; that is to say,

Iron mills,  
Paper mills; and

Any factory or workshop in which the process of making glass (save as otherwise provided by this Act), or of 25 letter-press printing is carried on; and

- (2.) The case of a male young person employed in that part of any print works or bleaching and dyeing works in which the process of dyeing or open air bleaching is carried on to this extent that the said provisions shall not prevent 30 him, during the time allowed for meals to any other young person or to any child or woman, from being employed or being allowed to remain in any room in which any manufacturing process is carried on, and shall not prevent, during the time allowed for meals to such male 35 young person, any other young person or any child or woman from being employed in the factory or allowed to remain in any room in which any manufacturing process is carried on.

A.D. 1877.

## PART THREE.

*Overtime.*

The exception with respect to the employment of young persons if upwards of *fourteen years* of age and women for *fourteen hours* a day applies to the factories and workshops and parts thereof in which any of the following manufacturing processes or handicrafts are carried on ; that is to say :

- (a.) Letter-press printing ;
- (b.) Lithographic printing ;
- 10 (c.) Book-binding ;
- (d.) Open air bleaching or Turkey-red dyeing ;
- (e.) An open air process in rope works ;
- (f.) Glue making ;
- (g.) The making of any article of wearing apparel ;
- 15 (h.) The making of furniture hangings ;
- (i.) Artificial flower making ;
- (j.) Bon bon and Christmas present making ;
- (k.) Valentine making ;
- (l.) Fancy box making ;
- 20 (m.) Envelope making ;
- (n.) Almanack making ;
- (o.) Machine ruling ;
- (p.) Playing card making ;
- (q.) Biscuit making ;
- 25 (r.) Firewood cutting ;
- (s.) Job dyeing ; and
- (t.) Aërated water making ; and
- (u.) The making or finishing of bricks or tiles not being ornamental tiles ; and also
- 30 to a part of a factory or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, and packing goods.

Factories and workshops in which young persons of 14 and women may be allowed to work for 14 hours a day under certain restrictions by reason of the nature of the business depending on the weather or the seasons of the year or by reason of any special emergency.

7 & 8 Vict.  
c. 15. s. 73.

## PART FOUR.

35

*Additional Half Hour.*

The exception with respect to the employment of a child young person or woman for an additional thirty minutes where the process is in an incomplete state applies to the factories and workshops following ; (that is to say,)

Factories and workshops in which a child, young person, or woman may be

[123.]

G 4

A.D. 1877.

employed for an additional half hour where the process is in an incomplete state because the time for the completion of the process cannot, by reason of the nature thereof, be accurately fixed.

- (a.) Bleaching and dyeing works ;
- (b.) Print works ;
- (c.) Iron mills in which male young persons are not employed during any part of the night ;
- (d.) A factory or workshop in which the process of founding or casting any metal is carried on, and in which male young persons are not employed during any part of the night ; and
- (e.) Paper mills in which male young persons are not employed during any part of the night.

10

## PART FIVE.

*Overtime for Perishable Articles.*

Factories and workshops in which women may be employed for fourteen hours a day by reason of the perishable nature of the articles or materials which are the subject of the manufacturing process or handicraft.

The exception with respect to the employment of women for *fourteen hours* a day for *ninety-six days* in a year applies to a factory or workshop or part thereof in which any of the following processes is carried on ; namely,

- The process of making preserves from fruit,
- The process of preserving or curing fish, or
- The process of making condensed milk.

## PART SIX.

20

*Night Work.*

Factories and workshops in which male young persons of fourteen may be employed at night by reason of the nature of the business requiring the process to be carried on throughout the night.

The exception with respect to the employment of male young persons when upwards of *fourteen years* of age during the night applies to the factories and workshops following ; (that is to say,)

- (a.) Blast furnaces,
- (b.) Iron mills,
- (c.) A factory or workshop in which the process of letter-press printing is carried on,
- (d.) Paper mills, and
- (e.) Oil and seed crushing mills.

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A.D. 1877.

## FOURTH SCHEDULE.

*Acts repealed.*

Session and Chapter.	Title of Act.	Extent of Repeal.
5 42 Geo. 3. c. 73. -	An Act for the preservation of the health and morals of apprentices and others employed in cotton and other mills and cotton and other factories.	The whole Act.
10 3 & 4 Will. 4. c. 103. -	An Act to regulate the labour of children and young persons in the mills and factories of the United Kingdom.	The whole Act.
7 & 8 Vict. c. 15. -	An Act to amend the laws relating to labour in factories.	The whole Act.
15 9 & 10 Vict. c. 40. -	An Act to declare certain ropeworks not within the operation of the Factory Acts.	The whole Act.
13 & 14 Vict. c. 54. -	An Act to amend the Acts relating to labour in factories.	The whole Act.
20 16 & 17 Vict. c. 104. -	An Act further to regulate the employment of children in factories.	The whole Act.
19 & 20 Vict. c. 38. -	The Factory Act, 1856 - -	The whole Act.
24 & 25 Vict. c. 117. -	An Act to place the employment of women, young persons, youths, and children in lace factories under the regulations of the Factories Acts.	The whole Act.
25		
26 & 27 Vict. c. 40. -	The Bakehouse Regulation Act, 1863	The whole Act.
27 & 28 Vict. c. 48. -	The Factory Acts Extension Act, 1864.	The whole Act.
30 29 & 30 Vict. c. 90. -	The Sanitary Act, 1867 - -	The following words (so far as unrepealed) in section nineteen, "not already under "the operation of "any general Act "for the regulation "of factories or "bakehouses."
35		
40 30 & 31 Vict. c. 103. -	The Factory Acts Extension Act, 1867.	The whole Act.
30 & 31 Vict. c. 146. -	The Workshop Regulation Act, 1867	The whole Act.
33 & 34 Vict. c. 62. -	The Factory and Workshop Act, 1870	The whole Act.
34 & 35 Vict. c. 19. -	An Act for exempting persons professing the Jewish religion from penalties in respect of young persons and females professing the said religion working on Sundays.	The whole Act.
45		
34 & 35 Vict. c. 104. -	The Factory and Workshop Act, 1871	The whole Act.
50 37 & 38 Vict. c. 44. -	The Factory Act, 1874 - -	The whole Act.

[123.]

H



	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
3 & 4 Vict. c. 63.	The Public Health Act, 1875	The following words in section ninety-one, "not already under the operation of any general Act for the regulation of factories or bakehouses." 5
39 & 40 Vict. c. 76.	The Elementary Education Act, 1876	Section eight and the following words in section forty-eight, "the Factory Acts, 1833 to 1874, as amended by this Act, and includes the Workshop Acts, 1867 to 1871, as amended by this Act, and". 10 15 20



A.D. 1877.

Session and Chapter.	Title of Act.	Extent of Repeal.
38 & 39 Vict. c. 55. -	The Public Health Act, 1875 -	The following words in section ninety-one, "not already under" the operation of "any general Act" for the regulation "of factories or" "bakehouses." 5
39 & 40 Vict. c. 79. -	The Elementary Education Act, 1876	Section eight and the following words in section forty-eight, "the Factory Acts," "1833 to 1874," "as amended by" this Act, and in- cludes the Work- shop Acts, 1867 to "1871, as amended" by this Act, and ". 10 15 20



# **Factories and Workshops.**

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A

## **B I L L**

To consolidate and amend the Law relating to  
Factories and Workshops.

*(Prepared and brought in by  
Mr. Secretary Cross  
and Sir Henry Selwin-Ibbetson.)*

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*Ordered, by The House of Commons, to be Printed,  
6 April 1877.*

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[Bill 123.] +

*Under 9 oz.*

A  
B I L L

TO

Amend the Factors' Acts.

**W**HEREAS doubts have arisen with respect to the true meaning A.D. 1877.  
of certain provisions of the Factors Acts, and it is expedient  
to remove such doubts and otherwise to amend the said Acts, for  
the better security of persons buying or making advances on goods,  
5 or documents of title to goods, in the usual and ordinary course of  
mercantile business :

Be it enacted by the Queen's most Excellent Majesty, by and  
with the advice and consent of the Lords Spiritual and Temporal,  
and Commons, in this present Parliament assembled, and by the  
10 authority of the same, as follows :

1. In this Act, the expression "the principal Acts" means the  
following Acts, that is to say :

The Act of the 4th Geo. IV. (1823) c. 83.

The Act of the 6th Geo. IV. (1825) c. 94.

15 The Act of the 5th and 6th of Her Majesty (1842) c. 39.

And the said Acts and this Act may be cited for all purposes as  
the "Factors' Acts, 1823 to 1877."

2. Where any agent or person has been intrusted with and Amendment  
of law with  
respect to  
secret revo-  
cation of  
entrustment  
or agency.  
continues in the possession of any goods, or documents of title to  
20 goods, within the meaning of the principal Acts as amended by  
this Act, any revocation of his entrustment or agency shall not  
prejudice or affect the title or rights of any other person  
who, without notice of such revocation, purchases such goods,  
or makes advances upon the faith or security of such goods or  
25 documents.

3. Where any goods have been sold, and the vendor or any With respect  
to vendors  
permitted  
to retain  
documents  
of title to  
goods.  
person on his behalf continues or is in possession of the goods,  
or of the documents of title thereto, any sale, pledge, or other  
disposition of the goods or documents made by such vendor or  
30 other person so continuing or being in possession, shall be as valid

[Bill 168.]

A.D. 1877. and effectual as if such vendor or other person were an agent or person entrusted with the goods or documents within the meaning of the principal Acts as amended by this Act, provided the person to whom the sale, pledge, or other disposition is made has not notice that the goods have been previously sold. 5

With respect  
to vendees  
permitted  
to have  
possession of  
documents of  
title to goods.

4. Where any goods have been sold or contracted to be sold, and the vendee, or any person on his behalf, obtains the possession of the documents of title thereto from the vendor or his agents, any sale, pledge, or disposition of such goods or documents by such vendee or other person so in possession shall be as valid and effectual as if such vendee or other person were an agent or person entrusted with the documents within the meaning of the principal Acts as amended by this Act, provided the person to whom the sale, pledge, or other disposition is made has not notice of any lien or other right of the vendor in respect of the goods. 10 15

With respect  
to lien, &c.

5. In any case in which by the principal Acts as amended by this Act validity is given to any sale, pledge, or disposition of goods, or of documents of title to goods, such sale, pledge, or disposition shall not be affected by, but shall have effect notwithstanding any right of lien, or of stoppage in transitu, which might otherwise exist. 20

With respect  
to dock war-  
rants, &c.

6. Where any document of title to goods has been lawfully indorsed or otherwise transferred to any person as a vendee or owner of the goods, and such person transfers such document by indorsement (or by delivery where the document is by custom, or by its express terms transferable by delivery, or makes the goods deliverable to the bearer,) to a person who takes the same bonâ fide and for valuable consideration, the last-mentioned transfer shall have the same effect for defeating any lien or right of stoppage in transitu, as if such document were a bill of lading. 25 30

Act not to  
be retro-  
spective.

7. This Act shall apply only to acts done and rights acquired after the passing of this Act.





# Factors' Acts Amendment.

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A

## B I L L

To amend the Factors' Acts.

(*Prepared and brought in by  
Sir John Lubbock, Sir James McGarrae Hogg,  
Sir Charles Mills, and Mr. Watkin Williams.*)

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*Ordered, by The House of Commons, to be Printed,  
11 May 1877.*

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[Bill 168.]

*Under 102.*

LORDS AMENDMENTS  
TO THE  
**FACTORS' ACTS AMENDMENT BILL.**

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*Note.—The page and line refer to the Bill (140.) as first printed  
by the Lords.*

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*Page 1.*

Line 29, leave out (“ other person ”) and insert (“ any person  
“ or agent entrusted by the vendor with the goods or  
“ documents within the meaning of the principal Acts as  
“ amended by this Act ”)

*Page 2.*

Line 1, leave out (“ other ”), and after (“ entrusted ”) insert  
 (“ by the vendee ”)

Line 10, leave out (“ or other person ”), and after (“ posses-  
“ sion ”) insert (“ or by any other person or agent entrusted  
“ by the vendee with the documents within the meaning of  
“ the principal Acts as amended by this Act ”)

Line 12, after (“ entrusted ”) insert (“ by the vendor ”)

Line 23, after (“ any ”) insert (“ vendor's ”)

Line 24, leave out (“ if such document were a bill of lading ”)  
and insert (“ the transfer of a bill of lading has for defeating  
“ the right of stoppage in transitu ”)

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[Bill 270.]

LORDS AMENDMENTS  
TO THE  
FACTORS' ACTS AMENDMENT  
BILL.

*Ordered, by The House of Commons, to be Printed,  
30 July 1877.*

[Bill 270.]

*Under 1 oz.*

A

## B I L L

TO

Prohibit the use of Dynamite or other Explosives for the purpose of catching or destroying Fish in Public Fisheries. A.D. 1877.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5    1. Any person who uses dynamite or other explosive substance to catch or destroy fish in a public fishery shall be liable on summary conviction either to a fine not exceeding *twenty pounds*, or, in the discretion of the Court, to be imprisoned with or without hard labour for a term not exceeding *three months*. Prohibition of the use of dynamite in public fisheries.
- 10    2. This Act may be cited as the Fisheries (Dynamite) Act, 1877. Short title.







**Fisheries (Dynamite).**

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A

**B I L L**

To prohibit the use of Dynamite or other Explosives for the purpose of catching or destroying Fish in Public Fisheries.

*(Prepared and brought in by  
Mr. Isaac and Mr. William Edward Denison.)*

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*Ordered, by The House of Commons, to be Printed,  
31 July 1877.*

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[Bill 273.]

*Under 1 oz.*

# Fisheries (Oysters, Crabs, and Lobsters) Bill. [H.L.]

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## ARRANGEMENT OF CLAUSES.

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### Clauses.

#### *Preliminary.*

1. Short title.
2. Commencement of Act.

#### *Oysters.*

3. Prohibition on sale of oysters between certain dates.
4. Power to Board of Trade on local application, to temporarily prohibit or restrict dredging for oysters on certain banks.
5. Order relating to oyster fishery under 31 & 32 Vict. c. 45. when unobjected to to take effect on confirmation by Order in Council.

#### *Crabs and Lobsters.*

6. Prohibition on sale of crabs below a certain size.
7. Prohibition on sale of lobsters under a certain size.
8. Power to Board of Trade on local application to temporarily prohibit or restrict the taking of crabs and lobsters in certain areas.

#### *Miscellaneous.*

9. Persons entitled to apply to Board of Trade under Act.
  10. Prosecution of offences and recovery of fines.
  11. Definitions.
  12. Temporary revival of 6 & 7 Vict. c. 79.
  13. Repeal of 39 & 40 Vict. c. cli.
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A

# B I L L

## INTITULED

An Act to amend the Law relating to the Fisheries of A.D. 1877.  
Oysters, Crabs, and Lobsters, and other Sea Fisheries.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

### 5 *Preliminary.*

1. This Act may be cited as the Fisheries (Oyster, Crab, and Lobster) Act, 1877. Short title.

2. This Act shall come into operation on the first day of September one thousand eight hundred and seventy-seven (which day Commence-  
ment of Act.  
10 is in this Act referred to as the commencement of this Act).

### *Oysters.*

3. A person shall not, between the fourteenth day of May and the fourth day of August in any year, sell, expose for sale, buy for sale, or have in his possession for sale, any oysters. Prohibition  
on sale of  
oysters  
between  
certain dates.

15 Every person who acts in contravention of this section shall be liable to a fine not exceeding two pounds for the first offence, and ten pounds for the second or any subsequent offence, and also to forfeit all oysters exposed for sale, bought for sale, or in his possession for sale in contravention of this section ;

20 Provided that a person shall not be liable to a fine or forfeiture under this section if he satisfies the court that the oysters alleged to have been sold, exposed for sale, or bought for sale, or to be in his possession for sale,—

25 (1.) Were intended for the purpose of oyster cultivation, or of being sold on or after the said fourth day of August ; or

(2.) Were lawfully taken within the waters of some foreign state ; or

[Bill 217.]

A 2

A.D. 1877. (3.) Were preserved in tins or otherwise cured.

The exportation of oysters and the buying of oysters for exportation shall be deemed to be respectively an exposing for sale and buying for sale of oysters within the meaning of this section.

Power to Board of Trade on local application to temporarily prohibit or restrict dredging for oysters on certain banks.

4. The Board of Trade, on such application as is in this Act 5 mentioned, and after such inquiry and notice as they think expedient, may, if they think fit, by order restrict or prohibit during a limited period not exceeding one year, either entirely or subject to any exceptions and regulations, the dredging for and taking of oysters on any oyster bank or bed, and may by 10 such order provide for enforcing the order, and any prohibition, restriction, or regulation contained therein, by fines not exceeding twenty pounds for each offence.

The Board of Trade by order may from time to time renew, for a period not exceeding one year, or vary, an order under this 15 section, and may at any time revoke the same.

Nothing in such order shall apply to a several right of fishery in any oyster bed or bank, or to any oyster bed or bank within the jurisdiction of the Irish Fishery Commissioners.

Order relating to oyster fishery under 31 & 32 Vict. c. 45. when unobjected to take effect on confirmation by Order in Council.

5. Where an order of the Board of Trade, under Part III. of 20 the Sea Fisheries Act, 1868, either is limited to the grant of a right of fishery for a period not exceeding twenty-one years over an area not exceeding five acres, or amends a previous order without extending the area to which that order applies, and a petition against the order by any local authority or persons affected thereby, 25 is not within one month after the first publication of the order received by the Board of Trade, or if received is withdrawn, the Board of Trade may, if they think fit, submit the scheme for confirmation to Her Majesty in Council, and every such order, if confirmed by Her Majesty in Council, shall have full operation as if it had been 30 confirmed by Parliament as provided by the Sea Fisheries Act, 1868;

Provided that Her Majesty in Council may at any time, on the representation of the Board of Trade, cancel the order, and the grantees under the order shall not be entitled to any compensation in respect of such cancellation, or of any expenses they may have 35 incurred in acting or with a view to act under the order.

#### *Crabs and Lobsters.*

Prohibition on sale of crabs under a certain size.

6. A person shall not sell, expose for sale, or buy for sale—

(1.) Any crab which measures less than four inches and a quarter across the broadest part of the back ; or 40

(2.) Any crab carrying any spawn attached to the tail or other exterior part of the crab, whether known as “berried

crab," "seed crab," "spawn crab," or "ran crab," or by any other name; or A.D. 1877.

- (3.) Any crab which has recently cast its shell, whether known as "caster," "white crab," "white-footed crab," "white-livered crab," "soft crab," "glass crab," or by any other name.

Every person who acts in contravention of this section shall be liable to a fine not exceeding two pounds for the first offence, and ten pounds for the second and every subsequent offence, and to forfeit all crabs exposed for sale or bought for sale in contravention of this section ;

Provided that a person shall not be liable to a fine or forfeiture under this section if he satisfies the court that the crabs alleged to have been sold, exposed for sale, or bought for sale, were intended for bait for fishing.

The exportation of crabs and the buying of crabs for exportation shall be deemed to be respectively an exposing for sale and buying for sale of crabs within the meaning of this section.

7. A person shall not sell, expose for sale, or buy for sale any lobster which measures less than seven inches from the tip of the beak to the end of the tail when spread as far as possible flat. Prohibition on sale of lobsters under a certain size.

Every person who acts in contravention of this section shall be liable to a fine not exceeding two pounds for the first offence, and ten pounds for the second and every subsequent offence, and to forfeit all lobsters sold, exposed for sale, or bought for sale in contravention of this section ;

Provided that a person shall not be liable to a fine or forfeiture under this section if he satisfies the court that the lobsters alleged to have been sold, exposed for sale, or bought for sale were lawfully taken in the waters of some foreign state.

The exportation of lobsters, and the buying of lobsters for exportation, shall be deemed to be respectively an exposing for sale and buying for sale of lobsters within the meaning of this section.

8. The Board of Trade, on such application as is in this Act mentioned, and after such inquiry and notice as they think expedient, may, if they think fit, by order restrict or prohibit during a limited period not exceeding one year, either entirely or subject to any exceptions and regulations, the fishing for and taking of crabs and lobsters, or either of them, or any description of them or either of them, within the area named in the order, and may by such order provide for enforcing the order and any prohibition restriction or regulation contained therein, by fines not exceeding twenty pounds for each offence. Power to Board of Trade on local application to temporarily prohibit or restrict the taking of crabs and lobsters in certain areas.

A.D. 1877. The Board of Trade by order may from time to time renew for a period not exceeding one year, or vary, an order under this section, and may at any time revoke the same.

Nothing in such order shall apply to a several right of fishery or to any area within the jurisdiction of the Irish Fishery Commissioners. 5

*Miscellaneous.*

Persons entitled to apply to Board of Trade under Act.

9. An application to the Board of Trade for an order under this Act in relation to oysters, or to crabs and lobsters, or any of them, may be made by any persons appearing to the Board of Trade to represent the fishermen of any locality, or by any of the following authorities, if they appear to the Board of Trade to be locally interested in the fisheries; namely,— 10

- (1.) The justices of a county in general or quarter sessions assembled; 15
- (2.) A town council or other urban sanitary authority:
- (3.) A rural sanitary authority; and
- (4.) Any body corporate, persons or person being or claiming to be proprietors or proprietor of or intrusted with the duty of improving, managing, maintaining, or regulating any harbour. 20

Prosecution of offences and recovery of fines.

10. All offences against this Act, or against any order made in pursuance of this Act, may be prosecuted, and all fines under this Act or any such order may be recovered on summary conviction before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts. 25

For all purposes of and incidental to the prosecution of any such offence, or the recovery of any such fine, and the proceedings and matters preliminary and incidental thereto, and consequential thereon, and for all purposes of and incidental to the jurisdiction of any court or of any constable or officer with reference to such offence, the offence shall be deemed to have been committed either in the place in which it was actually committed, or in any place in which the offender may for the time being be found. 30

Definitions.

11. In this Act— 35  
The expression “Summary Jurisdiction Acts” means:

- (1.) As regards England, the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled “An Act to facilitate the performance of the duties of Justices of the Peace out of sessions within England and Wales, with respect to Summary Convictions and Orders,” and any Act amending the same; and 40

(2.) As regards Scotland, the Summary Procedure, Scotland, Act, A.D. 1877.  
1864; and

5 (3.) As regards Ireland, with reference to any matter or proceeding in the police district of Dublin Metropolis, the Acts regulating the powers and duties of justices of the peace for or the police of such district, and with reference to any matter or proceeding elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same; and

10 (4.) As regards the Isle of Man, and the islands of Guernsey, Jersey, Alderney, and Sark, the law relating to the like penalties, offences, and proceedings.

The expression "Court of Summary Jurisdiction" means:

15 (a.) As regards England, any justice or justices of the peace to whom jurisdiction is given by the Summary Jurisdiction Acts; provided that the court, when hearing and determining an information or complaint under this Act, shall be constituted either of two or more justices of the peace in petty sessions sitting at some place appointed for holding  
20 petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice; and

25 (b.) As regards Scotland, the sheriff or his substitute; and

(c.) As regards the Isle of Man, and the islands of Guernsey, Jersey, Alderney, and Sark respectively, any court, governor, deputy governor, deemster, jurat, or other  
30 magistrate before whom the like offences and fines similar to those under this Act are by law prosecuted and recovered.

The expression "Irish Fishery Commissioners" means the Commissioners acting in execution of the Act of the session of the fifth and sixth years of the reign of Her present Majesty,  
35 chapter one hundred and six, intituled "An Act to regulate the Irish Fisheries and the Acts amending the same."

The expression "person" includes a body corporate.

12. Notwithstanding anything contained in the Sea Fisheries Act, 1868, the Act of the sixth and seventh years of the reign of Her  
40 present Majesty, chapter seventy-nine, intituled "An Act to carry into effect a Convention between Her Majesty and the King of the French concerning the Fisheries in the Sea between the British  
" Islands and France," so far as regards French fishermen and

Temporary  
revival of  
6 & 7 Vict.  
c. 79.  
31 & 32 Vict.  
c. 45.

A.D. 1877. French sea-fishing boats, shall be in force as if it had not been repealed, and shall continue in force until the day when the convention set out in the first schedule to the Sea Fisheries Act, 1868, comes into operation.

Repeal of 39 & 40 Vict. c. cli. **13.** The Norfolk Crabs and Lobsters Act, 1876, is hereby repealed, without prejudice to anything done or suffered in pursuance of that Act. 5

**Fisheries (Oysters,  
Crabs, and Lobsters).**

[H.L.]

**B I L L**

INTITULED

An Act to amend the Law relating to the Fisheries of Oysters, Crabs, and Lobsters, and other Sea Fisheries.

(Brought from the Lords 25 June 1877.)

*Ordered, by The House of Commons, to be Printed,  
25 June 1877.*

[Bill 217.]  
*Under 1 oz.*

# Fisheries (Oysters, Crabs, and Lobsters) Bill. [H.L.]

[AS AMENDED IN COMMITTEE.]

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## ARRANGEMENT OF CLAUSES.

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### *Preliminary.*

Clause.

1. Short title.
2. Commencement of Act.

### PART I.

#### *Oysters.*

3. Application of part of Act.
4. Prohibition on sale of oysters between certain dates.
5. Power to Board of Trade on local application to temporarily prohibit or restrict dredging for oysters on certain banks.
6. Persons entitled to apply to Board of Trade under part of Act.
7. Order relating to oyster fishery under 31 & 32 Vict. c. 45. when unobjected to to take effect on confirmation by Order in Council.

### PART II.

#### *Crabs and Lobsters.*

8. Prohibition on sale of edible crabs under a certain size.
9. Prohibition on sale of lobsters under a certain size.
10. Power on local application to prohibit or restrict the taking of crabs and lobsters in certain areas.

### PART III.

#### *Supplemental.*

11. Prosecution of offences and recovery of fines.
12. Search for and seizure of oysters, crabs, and lobsters illegally exposed for sale.
13. Definitions.
14. Application of Act to Isle of Man and Channel Islands.
15. Temporary revival of 6 & 7 Vict. c. 79.
16. Repeal of 39 & 40 Vict. c. cli.

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[Bill 257.]

a





A

# B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to the Fisheries of Oysters, Crabs, and Lobsters, and other Sea Fisheries. A.D. 1877.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5

## *Preliminary.*

1. This Act may be cited as the Fisheries (Oyster, Crab, and Lobster) Act, 1877. Short title.

2. This Act shall come into operation on the first day of September one thousand eight hundred and seventy-seven (which day is in this Act referred to as the commencement of this Act). Commencement of Act.

10

## PART I.

### *Oysters.*

3. This part of this Act shall not apply to Ireland or to any oyster bed or bank within the jurisdiction of the Inspectors of Irish Fisheries. Application of part of Act.

15

4. A person shall not sell, expose for sale, consign for sale, or buy for sale,— Prohibition on sale of oysters between certain dates.

20

- (1.) Any oysters known at the passing of this Act in the oyster trade as "deep-sea oysters," between the fifteenth day of June in any year and the following fourth day of August ;  
or  
(2.) Any description of oysters other than those aforesaid, between the fourteenth day of May in any year and the following fourth day of August.

[Bill 257.]

A

A.D. 1877.

Every person who acts in contravention of this section shall be liable to a fine not exceeding two pounds for the first offence, and ten pounds for the second or any subsequent offence, and also to forfeit all oysters exposed for sale, consigned for sale, or bought for sale, in contravention of this section ;

5

Provided that a person shall not be guilty of an offence under this section if he satisfies the court that the oysters alleged to have been sold, exposed for sale, consigned for sale, or bought for sale,—

- (1.) Were taken within the waters of some foreign state ; or
- (2.) Were preserved in tins or otherwise cured ; or
- (3.) Were intended for the purpose of oyster cultivation within the same district in which the oysters were taken ; and for this purpose the Thames estuary, bounded by a line drawn from Orford Ness to the North Foreland, shall be deemed to be a district, and also any other area for the time being constituted a district for the purposes of this section by an order of the Board of Trade, which order that Board may from time to time make, and when made revoke or vary.

10

15

Power to Board of Trade on local application to temporarily prohibit or restrict dredging for oysters on certain banks.

5. The Board of Trade, on such application as is in this part of this Act mentioned, and after such public inquiry and notice as they think expedient, may, if they think fit, by order restrict or prohibit during a limited period not exceeding one year, either entirely or subject to any exceptions and regulations, the dredging for and taking of oysters on any oyster bank or bed, and may by such order provide for enforcing the order, and any prohibition, restriction, or regulation contained therein, by fines not exceeding twenty pounds for each offence.

25

The Board of Trade by order may from time to time renew, for a period not exceeding one year, or vary, an order under this section, and may at any time revoke the same.

30

Nothing in such order shall apply to a several right of fishery in any oyster bed or bank.

Persons entitled to apply to Board of Trade under part of Act.

6. An application to the Board of Trade for an order under this part of this Act may be made by any persons appearing to the Board of Trade to represent the fishermen of any locality, or by any of the following authorities, if they appear to the Board of Trade to be locally interested in the fisheries ; namely,

35

- (1.) The justices of a county in general or quarter sessions assembled ;
- (2.) A town council or other urban sanitary authority ;
- (3.) A rural sanitary authority ; and

40

- (4.) Any body corporate, persons or person being or claiming to be proprietors or proprietor of or intrusted with the duty of improving, managing, maintaining, or regulating any harbour. A.D. 1877.

- 5 7. Where an order of the Board of Trade, under Part III. of the Sea Fisheries Act, 1868, either is limited to the grant of a right of fishery for a period not exceeding twenty-one years over an area not exceeding five acres, or amends a previous order without extending the area to which that order applies, and a petition  
10 against the order by any local authority or persons affected thereby, is not within one month after the first publication of the order received by the Board of Trade, or if received is withdrawn, the Board of Trade may, if they think fit, submit the scheme for confirmation to Her Majesty in Council, and every such order, if confirmed  
15 by Her Majesty in Council, shall have full operation as if it had been confirmed by Parliament as provided by the Sea Fisheries Act, 1868;  
Provided that Her Majesty in Council may at any time, on the representation of the Board of Trade, cancel the order, and the grantees under the order shall not be entitled to any compensation  
20 in respect of such cancellation, or of any expenses they may have incurred in acting or with a view to act under the order.

Order relating to oyster fishery under 31 & 32 Vict. c. 45. when unobjected to take effect on confirmation by Order in Council.

## PART II.

### *Crabs and Lobsters.*

8. A person shall not sell, expose for sale, consign for sale, or  
25 buy for sale,—  
(1.) Any edible crab which measures less than four inches and a quarter across the broadest part of the back ; or  
(2.) Any edible crab carrying any spawn attached to the tail or other exterior part of the crab, whether known as “berried crab,” “seed crab,” “spawn crab,” or “ran crab,” or by  
30 any other name ; or  
(3.) Any edible crab which has recently cast its shell, whether known as “caster,” “white crab,” “white-footed crab,” “white-livered crab,” “soft crab,” “glass crab,” or by  
35 any other name.

Prohibition on sale of edible crabs under a certain size.

Every person who acts in contravention of this section shall be liable to a fine not exceeding two pounds for the first offence, and ten pounds for the second and every subsequent offence, and to forfeit all edible crabs exposed for sale, consigned for sale, or bought  
40 for sale, in contravention of this section ;

[257.]

A 2

A.D. 1877.

Provided that a person shall not be guilty of an offence under this section if he satisfies the court that the edible crabs alleged to have been sold, exposed for sale, consigned for sale, or bought for sale, were intended for bait for fishing.

Prohibition  
on sale of  
lobsters  
under a  
certain size.

9. A person shall not sell, expose for sale, consign for sale, or 5  
buy for sale any lobster which measures less than seven inches  
from the tip of the beak to the end of the tail when spread as far as  
possible flat.

Every person who acts in contravention of this section shall be  
liable to a fine not exceeding two pounds for the first offence, and 10  
ten pounds for the second and every subsequent offence, and to  
forfeit all lobsters sold, exposed for sale, consigned for sale, or  
bought for sale in contravention of this section.

Power on  
local appli-  
cation to  
prohibit or  
restrict the  
taking of  
crabs and  
lobsters in  
certain areas.

10. The Board of Trade, on application from the justices of a  
county in general or quarter sessions assembled appearing to the 15  
Board of Trade to be locally interested in the fisheries, and after  
such public inquiry and notice as they think expedient, may, if they  
think fit, from time to time, by order restrict or prohibit, either  
entirely or subject to any exceptions and regulations, the fishing  
for and taking of edible crabs and lobsters, or either of them, or 20  
any description of them or either of them, within the area named in  
the order, during such period of years or during such period, either  
in every year or in such number of years, as may be limited by the  
order, and may by the order provide for enforcing the order and  
any prohibition restriction or regulation contained therein, by fines 25  
not exceeding twenty pounds for each offence.

The Board of Trade by order may from time to time vary, and  
at any time revoke, an order under this section.

Nothing in such order shall apply to a several right of fishery.

The powers of the Board of Trade under this section shall, as 30  
regards any area within the jurisdiction of the Inspectors of Irish  
Fisheries, be vested in and exercised by those Inspectors with the  
approval of the Lord Lieutenant or other chief governor or governors  
of Ireland.

### PART III.

35

#### *Supplemental.*

Prosecution  
of offences  
and recovery  
of fines.

11. All offences against this Act, or against any order made in  
pursuance of this Act, may be prosecuted, and all fines under this  
Act or any such order may be recovered on summary conviction  
before a court of summary jurisdiction in manner provided by the 40  
Summary Jurisdiction Acts.

For all purposes of and incidental to the prosecution of any such offence, or the recovery of any such fine, and the proceedings and matters preliminary and incidental thereto, and consequential thereon, and for all purposes of and incidental to the jurisdiction of any court or of any constable or officer with reference to such offence, the offence shall be deemed to have been committed either in the place in which it was actually committed, or in any place in which the offender may for the time being be found. A.D. 1877.

All fines recovered under this Act in any of the Channel Islands shall be paid to the receiver general of the island in which they are recovered.

12. All oysters, crabs, and lobsters of which the exposure for sale, consignment for sale, or purchase for sale is prohibited by this Act, may be searched for, seized, condemned, destroyed, and disposed of by any authority lawfully acting under any Act, charter, or byelaw, or by any persons appointed by that authority, in like manner as if such oysters, crabs, and lobsters respectively were found to be diseased, unsound, unwholesome, corrupt, unfit to be sold, or unfit for the food of man. Search for and seizure of oysters, crabs, and lobsters illegally exposed for sale.

20 13. In this Act—

Definitions.

The expression "Summary Jurisdiction Acts" means:

- (1.) As regards England, the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of Justices of the Peace out of sessions within England and Wales, with respect to Summary Convictions and Orders," and any Act amending the same; and
- (2.) As regards Scotland, the Summary Procedure (Scotland) Act, 1864; and
- (3.) As regards Ireland, with reference to any matter or proceeding in the police district of Dublin Metropolis, the Acts regulating the powers and duties of justices of the peace for or the police of such district, and with reference to any matter or proceeding elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same; and
- (4.) As regards the Isle of Man and the Channel Islands, the law relating to offences and fines, and proceedings therefor.

40 The expression "Court of Summary Jurisdiction" means:

- (a.) As regards England and Ireland, any justice or justices of the peace to whom jurisdiction is given by the Summary

[257.]

A 3

A.D. 1877.

Jurisdiction Acts ; provided that the court, when hearing and determining an information or complaint under this Act, shall be constituted either of two or more justices of the peace in petty sessions sitting at some place appointed for holding petty sessions, or of some magistrate or officer 5 sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice ; and

(b.) As regards Scotland, the sheriff or his substitute ; and 10

(c.) As regards the Isle of Man and the Channel Islands, any court, governor, deputy governor, deemster, jurat, or other magistrate before whom offences and fines are by law prosecuted and recovered.

32 & 33 Vict.  
c. 92

The expression " Inspectors of Irish Fisheries " means the inspectors of fisheries acting in the execution of the Fisheries (Ireland) Act, 1869. 15

The expression " person " includes a body corporate.

Application  
of Act to  
Isle of Man  
and Channel  
Islands.

14. This Act shall apply to the Isle of Man and the Channel Islands, and the royal courts of the Channel Islands are hereby 20 respectively authorised and required to register this Act.

Temporary  
revival of  
6 & 7 Vict.  
c. 79.31 & 32 Vict.  
c. 45.

15. Notwithstanding anything contained in the Sea Fisheries Act, 1868, the Act of the sixth and seventh years of the reign of Her present Majesty, chapter seventy-nine, intituled " An Act to carry 25 " into effect a Convention between Her Majesty and the King of the " French concerning the Fisheries in the Sea between the British " Islands and France," so far as regards French fishermen and French sea-fishing boats, shall be in force as if it had not been repealed, and shall continue in force until the day when the convention set out in the first schedule to the Sea Fisheries Act, 1868, 30 comes into operation.

Repeal of  
39 & 40 Vict.  
c. cli.

16. The Norfolk Crabs and Lobsters Act, 1876, is hereby repealed, without prejudice to anything done or suffered in pursuance of that Act.





**Fisheries (Oysters,  
Crabs, and Lobsters).**

[H.L.]

A

**B I L L**

[AS AMENDED IN COMMITTEE]

To amend the Law relating to the  
Fisheries of Oysters, Crabs, and Lob-  
sters, and other Sea Fisheries.

*(Brought from the Lords 25 June 1877.)*

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*Ordered, by The House of Commons, to be Printed,  
19 July 1877.*

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[Bill 257.]

*Under 2 oz.*

# **Forfeiture Relief Bill.**

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## **ARRANGEMENT OF CLAUSES.**

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**Clause.**

1. Short title.
  2. Repeal of sections 5 and 6 of 22 & 23 Vict. c. 35.
  3. Relief against forfeiture under leases.
  4. Terms of relief under leases.
  5. Relief in other cases.
  6. Foreclosure of right to relief.
  7. Order for security.
  8. Order respecting possession and documents.
  9. Limitation of time for action for relief.
  10. Act not to apply in certain cases.
  11. Interpretation.
  12. Act not to extend to Scotland.
-



A

# B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to the Fisheries of Oysters, Crabs, A.D. 1877.  
and Lobsters, and other Sea Fisheries.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5 *Preliminary.*

1. This Act may be cited as the Fisheries (Oyster, Crab, and Short title.  
Lobster) Act, 1877.

2. This Act shall come into operation on the first day of Sep- Commence-  
tember one thousand eight hundred and seventy-seven (which day ment of Act.  
10 is in this Act referred to as the commencement of this Act).

## PART I.

### *Oysters.*

3. This part of this Act shall not apply to Ireland or to any Application  
oyster bed or bank within the jurisdiction of the Inspectors of of part of  
15 Irish Fisheries. Act.

4. A person shall not sell, expose for sale, consign for sale, or Prohibition  
buy for sale,— on sale of  
oysters  
between  
certain dates.

(1.) Any oysters known at the passing of this Act in the oyster  
trade as "deep-sea oysters," between the fifteenth day of  
20 June in any year and the following fourth day of August;  
or

(2.) Any description of oysters other than those aforesaid, between  
the fourteenth day of May in any year and the following  
fourth day of August.

[Bill 257.]

A

A.D. 1877.

Every person who acts in contravention of this section shall be liable to a fine not exceeding two pounds for the first offence, and ten pounds for the second or any subsequent offence, and also to forfeit all oysters exposed for sale, consigned for sale, or bought for sale, in contravention of this section ;

5

Provided that a person shall not be guilty of an offence under this section if he satisfies the court that the oysters alleged to have been sold, exposed for sale, consigned for sale, or bought for sale,—

(1.) Were taken within the waters of some foreign state ; or

(2.) Were preserved in tins or otherwise cured ; or

10

(3.) Were intended for the purpose of oyster cultivation within the same district in which the oysters were taken ; and for this purpose the Thames estuary, bounded by a line drawn from Orford Ness to the North Foreland, shall be deemed to be a district, and also any other area for the time being constituted a district for the purposes of this section by an order of the Board of Trade, which order that Board may from time to time make, and when made revoke or vary.

15

Power to Board of Trade on local application to temporarily prohibit or restrict dredging for oysters on certain banks.

5. The Board of Trade, on such application as is in this part of this Act mentioned, and after such public inquiry and notice as they think expedient, may, if they think fit, by order restrict or prohibit during a limited period not exceeding one year, either entirely or subject to any exceptions and regulations, the dredging for and taking of oysters on any oyster bank or bed, and may by such order provide for enforcing the order, and any prohibition, restriction, or regulation contained therein, by fines not exceeding twenty pounds for each offence.

25

The Board of Trade by order may from time to time renew, for a period not exceeding one year, or vary, an order under this section, and may at any time revoke the same.

30

Nothing in such order shall apply to a several right of fishery in any oyster bed or bank.

Persons entitled to apply to Board of Trade under part of Act.

6. An application to the Board of Trade for an order under this part of this Act may be made by any persons appearing to the Board of Trade to represent the fishermen of any locality, or by any of the following authorities, if they appear to the Board of Trade to be locally interested in the fisheries ; namely,

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(1.) The justices of a county in general or quarter sessions assembled ;

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(2.) A town council or other urban sanitary authority ;

(3.) A rural sanitary authority ; and

- (4.) Any body corporate, persons or person being or claiming to be proprietors or proprietor of or intrusted with the duty of improving, managing, maintaining, or regulating any harbour. A.D. 1877.

- 5 7. Where an order of the Board of Trade, under Part III. of the Sea Fisheries Act, 1868, either is limited to the grant of a right of fishery for a period not exceeding twenty-one years over an area not exceeding five acres, or amends a previous order without extending the area to which that order applies, and a petition  
10 against the order by any local authority or persons affected thereby, is not within one month after the first publication of the order received by the Board of Trade, or if received is withdrawn, the Board of Trade may, if they think fit, submit the scheme for confirmation to Her Majesty in Council, and every such order, if confirmed  
15 by Her Majesty in Council, shall have full operation as if it had been confirmed by Parliament as provided by the Sea Fisheries Act, 1868 ;  
Provided that Her Majesty in Council may at any time, on the representation of the Board of Trade, cancel the order, and the grantees under the order shall not be entitled to any compensation  
20 in respect of such cancellation, or of any expenses they may have incurred in acting or with a view to act under the order.
- Order relating to oyster fishery under 31 & 32 Vict. c. 45. when unobjected to to take effect on confirmation by Order in Council.

## PART II.

### *Crabs and Lobsters.*

- 25 8. A person shall not sell, expose for sale, consign for sale, or buy for sale,—  
(1.) Any edible crab which measures less than four inches and a quarter across the broadest part of the back ; or  
(2.) Any edible crab carrying any spawn attached to the tail or other exterior part of the crab, whether known as “ berried crab,” “ seed crab,” “ spawn crab,” or “ ran crab,” or by  
30 any other name ; or  
(3.) Any edible crab which has recently cast its shell, whether known as “ caster,” “ white crab,” “ white-footed crab,” “ white-livered crab,” “ soft crab,” “ glass crab,” or by  
35 any other name.
- Prohibition on sale of edible crabs under a certain size.

Every person who acts in contravention of this section shall be liable to a fine not exceeding two pounds for the first offence, and ten pounds for the second and every subsequent offence, and to forfeit all edible crabs exposed for sale, consigned for sale, or bought  
40 for sale, in contravention of this section ;

A.D. 1877. forfeiture may by action claim a foreclosure of any right to relief against the forfeiture, and thereupon proceedings may be had and judgment of foreclosure may be given accordingly in like manner, as near as may be, as upon a claim of foreclosure of a mortgage; and the dismissal of a claim for relief under this Act against a forfeiture shall operate as a foreclosure of any right to relief against the forfeiture in like manner as the dismissal of a claim for redemption of a mortgage operates as a foreclosure of the mortgage. 5

Order for security.

7. At any time after the commencement of an action, or the making of a claim for relief under this Act, the person entitled to the benefit of the provision of forfeiture, may apply for an order for money to be brought into court as security for the payment of the costs and damages, and the performance of the terms which he may become or be entitled to in respect of the breach, or of the action or claim for relief, or any of such matters; and upon such application it may be ordered accordingly; and it may be ordered that proceedings in the action or on the claim be stayed in the meantime, until the payment into court, and that in default of such payment within a time, to be fixed in that behalf by the same or any subsequent order, the action or claim be dismissed, and the relief claimed therein be absolutely barred. 10 15 20

Order respecting possession and documents.

8. On any proceeding in relation to a forfeiture to which this Act applies, such order as the case may require may be made respecting the possession of any property subject to the provision of forfeiture, and respecting the delivery up of any document relating thereto. 25

Limitation of time for action for relief.

9. Any action for relief under this Act shall be commenced not later than *six calendar months* next after possession has been obtained on eviction for the forfeiture.

Act not to apply in certain cases.

10. This Act shall not apply to any forfeiture for breach of covenant, stipulation, or condition against assignment, or subletting without consent, and shall not, in the case of holdings of a purely agricultural character, apply to any forfeiture for breach of covenant, stipulation, or condition as to cultivation. 30

Interpretation.

11. In this Act—  
The expression "lease" shall include an underlease and an appointment by way of lease under a power; and  
The expression "forfeiture" shall include a right of re-entry or entry, and a cessor of any term, estate, or interest, and a right of refusal to renew a lease or to grant or convey any term, estate, or interest, or to do or omit any other act or thing. 35 40

Act not to extend to Scotland.

12. This Act shall not extend to Scotland.





# Forfeiture Relief.

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## B I L L

To amend the Law of Relief against  
Forfeiture for Breach of Covenant or  
Condition.

(*Prepared and brought in by*  
*Mr. Marten, Mr. Osborne Morgan, and*  
*Mr. Gregory.*)

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*Ordered, by The House of Commons, to be Printed,*  
*9 February 1877.*

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[Bill 60.]

*Under 1 oz.*

# **Game Laws (Scotland) Amendment Bill.**

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## **ARRANGEMENT OF CLAUSES.**

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### **Clause.**

1. Title and extent of Act.
2. Commencement of Act.
3. Interpretation clause.
4. Right of taking and killing game to be in the lessee, unless reserved by the lessor.
5. Lessee being of opinion that damage to his crops exceeds the sum mentioned in his lease, to intimate the same to the lessor.
6. Provisions as to actions of damage between lessor and lessee.
7. Provisions as to arbitrations for settling claims of damage between lessors and lessees.
8. Contract restraining lessee from pursuing, &c. hares, &c. not to be enforced by interdict.
9. Lessee may kill hares and rabbits without gun license or game certificate.
10. Authority to kill hares, &c. to be limited to one person at the same time in any one parish.
11. Prosecutions under game laws to be before the sheriff.
12. No person to be prosecuted again for the same offence.
13. Leases or agreements about game existing at passing of this Act not to be affected by it.

### **SCHEDULES.**

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A

## B I L L

TO

Amend the Laws relating to Game in Scotland.

WHEREAS divers Acts of Parliament have from time to time A.D. 1877.  
been passed relating to the preservation of game in Scotland,  
and these Acts are enumerated in Schedule one to this Act annexed,  
and are in this Act referred to as the "Game Laws;"

5 And whereas by the Common Law of Scotland the sole right of  
taking and killing game belongs to the proprietor of the land ;

And whereas it is expedient that these laws should be amended  
in this respect ;

10 Be it enacted by the Queen's most Excellent Majesty, by and  
with the advice and consent of the Lords Spiritual and Temporal,  
and Commons, in this present Parliament assembled, and by the  
authority of the same, as follows :

1. This Act may be cited for all purposes as "The Game Laws Title and  
extent of  
Act.  
" Amendment (Scotland) Act, 1877," and shall apply to Scotland  
15 only.

2. This Act shall commence and come into operation on *the first* Commence-  
ment of Act.  
*day of January one thousand eight hundred and seventy-eight,*  
which day is hereafter referred to as the commencement of this  
Act.

20 3. In this Act, unless there be something in the subject or Interpreta-  
tion clause.  
context repugnant to such construction,

1. The word "lessor" shall mean the grantor of any lease of  
land for any term not less than two years, and also the  
person or persons for the time in the right and subject to the  
25 obligations of the grantor with respect to such lease ;

2. The word "lessee" shall mean the grantee of any lease of  
land for any term not less than two years, and also the  
person or persons for the time in the right and subject to the  
obligations of the grantee with respect to such lease ;

30 3. The word "sheriff" shall include sheriff substitute ;

4. The word "county" shall include stewartry.

[Bill 25.]

A

A.D. 1877.

Right of  
taking and  
killing game  
&c. to be  
in the  
lessee, unless  
reserved by  
the lessor.

4. The sole right of hunting, taking, and killing rabbits, hares, and other game, wild birds, and wild animals upon any land, shall, from and after the commencement of this Act, unless the same be effectually reserved to himself by the lessor, be in the lessee in occupation of such land, subject to the following provisions: .

5

1. The lessee shall occupy the land under a lease made subsequently to the commencement of this Act:

2. The lessee shall not be entitled to assign such right apart from the lease to any person without the lessors consent in writing:

10

3. Where there is a reservation of the sole right of hunting, killing, or taking rabbits, hares, and other game, wild birds and wild animals, or any of them, the lessee shall be entitled to compensation for the damage done to his crops in each year by the rabbits, hares, or other game, wild birds and wild animals harboured on the lands of the lessor to which the reservation applies, in excess of such sum as may have been set forth in the lease, as the amount of annual damage for which it is agreed no compensation shall be due; and if no such sum shall be set forth in the lease, then in excess of the sum of forty shillings:

15

20

4. The lessor shall be returned in the Valuation Roll as proprietor and tenant of the shootings, at a rent equal to the stipulated sum named in the lease, on which sum he shall be assessed for rates and taxes, unless the shootings shall be let separately from the land, in which case the name of the tenant thereof and the rent therefor shall be entered in the Valuation Roll as before the passing of this Act. During the currency of any lease the parties thereto may from time to time, by any agreement in writing, increase or diminish the estimated amount of the annual damage aforesaid, and in case of any such alteration thereof it shall be the duty of the lessee to give due notice of such alteration to the assessor for the county, in order that the entry in the Valuation Roll may be corrected accordingly.

35

Lessee being  
of opinion  
that damage  
to his crops  
exceeds the  
sum men-  
tioned in his  
lease, to  
intimate the  
same to the  
lessor.

5. In the event of a lessee in occupation of land under a lease made subsequently to the commencement of this Act, being of opinion that the damage done to his crops by rabbits, hares, and other game, wild birds and wild animals harboured on the lands of the lessor in any one year during the lease, has exceeded the sum named in the lease, or if no sum is therein named, the sum of *forty shillings*, he shall intimate this opinion to the lessor in writing, stating at the same time that it is his intention to bring the case

40

before the sheriff, unless the lessor take steps to compensate the lessee for such excess of damage; and the same may be recovered in the form and manner herein-after provided. A.D. 1877.

6. With regard to actions for the recovery of damages under this Act, the following provisions shall have effect: Provisions as to actions of damage between lessor and lessee.

1. No such action at the instance of a lessor against a lessee shall be competent unless brought within *three weeks* of the date of the breach of contract complained of:
2. No such action at the instance of a lessee against a lessor shall be competent unless the lessee shall have given to the lessor notice in writing of his intention to bring the same, in the case of the damages being done to growing crop, at least *three weeks* before the crop is reaped or raised, and in the case of damages to crop reaped or raised, at least three weeks before it is removed from the land;
3. Failing agreement as to the amount of damage, or a reference to arbiters to settle the same, any such action may be brought in the sheriff court of the county within which the lands (or any part thereof) are situated. The application to the sheriff shall be made by summary petition, setting forth the terms of the lease and the particulars of the damage complained of, and praying for a valuation and for payment of the amount:

On considering such petition the sheriff shall appoint it to be intimated within *four days* after the presenting of such petition to the lessor in common form, and shall appoint a valuator to value such damage, and report:

It shall be competent to either party to be heard before the sheriff in support of or in objection to such appointment, and the report of the valuator, but it shall not be competent to take any further evidence; provided that the sheriff may remit to the valuator to reconsider his report, and may resume consideration of his report, with any alteration he may have made thereon. The report of the valuator, on being approved of by the sheriff, and the judgment of the sheriff, approving, altering, or rejecting the same, shall be final, and shall not be subject to review:

In the event of its being found by the sheriff that the damage done is less than the sum stated in the lease, or if no sum is therein stated the sum of *forty shillings*, the sheriff shall not give his final decision in the cause until the expiration of the year in respect of which the claim has been made; and it shall be competent to the lessee to make, either in the same process or in a separate petition,

A.D. 1877. — any further claims for damages done to other crops on the farm during the currency of the same year and before any final judgment has been given in the cause, due notice of every such claim being always given to the lessor within the times respectively hereinbefore specified; and if the total amount of the damage so to be 5 ascertained shall be less than the sum stated in the lease, or if no sum is therein stated the sum of *forty shillings*, the sheriff shall refuse the claim and find the lessee liable in expenses, including a suitable fee to the person or persons making the report. But if such damage exceeds the sum stated in the lease, or if no sum is 10 therein stated the sum of *forty shillings*, the sheriff shall certify the amount of such excess, and find the lessor liable in such expenses; and the sum stated in such certificate shall form a deduction from the rent of the lands occupied by the lessee, and shall be retainable from the first rent that becomes due after the date of the certificate; 15 and in the event of there being no rent becoming due, it shall be recovered in the usual form and manner for the recovery of an ordinary debt.

Provisions  
as to arbi-  
trations for  
settling  
claims of  
damage  
between  
lessors and  
lessees.

7. When a lessor and lessee agree in writing to refer to arbitration any claim of damage arising to either against the other under this 20 Act, the following provisions shall have effect:

1. Either party having in writing named an arbiter, and given notice of the nomination to the other party, and called on him to name an arbiter, and the other party having for fourteen days after such call failed to comply therewith in 25 writing, the arbiter nominated may settle the claim as if he had been appointed by both parties, and his award shall be final. The office of every such arbiter shall be held to endure until the term of Whit Sunday next following the date of his appointment, and thereafter until he shall have 30 given his award or awards with reference to all claims for any damages as aforesaid arising during the year ended at the same term:
2. Where two arbiters are named by the parties the arbiters shall, before proceeding to the arbitration, name in writing 35 an oversman or umpire who shall be entitled finally to decide on the claim in case of their disagreement:
3. The reference, the claim, the nomination of an arbiter or oversman, and the award may be validly made by any writing, however informal, admitted or proved to be genuine: 40
4. No proceedings under this clause shall be void for want of form. In an arbitration under this clause the course of the

procedure and the inquiry shall be such as the person or persons acting therein shall direct, and the award therein shall be final, and though informal may be enforced by action in any court of law, according to the true construction and tenor thereof.

A.D. 1877.

5 8. No interdict or other prohibitory order of any court of law shall be granted or made to enforce any contract whereby a lessee is restrained from pursuing, killing, or taking game, or any other wild bird or wild animal on the land in the occupation of which he is lessee, under a lease made subsequently to the commencement of this Act, but the lessor shall be left to his ordinary legal remedies other than interdicts, upon such contract.

Contract restraining lessee from pursuing, &c. hares, &c., not to be enforced by interdict.

15 9. From and after the commencement of this Act, it shall be lawful for any lessee, by himself or by any person directed or authorized by him in writing according to the Form in Schedule two to this Act annexed, or to the like effect, to pursue, take, kill, or destroy any hare or rabbit then being in or upon any such land, without the payment of any gun licence, and without obtaining any game certificate or licence to do so.

Lessee may kill hares and rabbits without gun licence or game certificate.

20 10. Provided always, and be it enacted, that no lessee shall be authorized to grant or continue, under the provisions of this Act, authority to more than one person at one and the same time to kill hares and rabbits upon the land occupied by him within any one parish: Provided also, that the lessee shall intimate to the lessor of the said lands, or his factor, or any one to whom he may have instructed the lessee to transmit such intimation, the name of the person so authorized by the lessee.

Authority to kill hares, &c. to be limited to one person at the same time in any one parish.

30 11. From and after the commencement of this Act, all offences against the game laws shall be prosecuted subject to the following provisions, that is to say:

Prosecutions under game laws to be before the sheriff.

(1.) Any prosecution which is at present competent either before the sheriff or the justices of peace for the county shall, from and after the passing of this Act, be competent only before the sheriff:

35 (2.) Any prosecution which is at present competent only before the justices of the peace for the county shall, from and after the passing of this Act, be competent only before the sheriff, who shall have all jurisdiction, authority, and power necessary for entertaining and determining the same; and all forms, procedure, and provisions applicable to prosecutions before justices of the peace shall, except as

[25.]

A 3



A.D. 1877.

herein-after provided, be applicable mutatis mutandis to prosecutions before the sheriff as aforesaid :

- (3.) Where in any county there is more than one resident sheriff substitute any prosecution under the Game Laws shall be brought before the court of a sheriff substitute within 5 whose district the offence is alleged to have been committed, or before the sheriff sitting in such court :
- (4.) It shall not be competent to appeal from the decision of the sheriff substitute to the sheriff :
- (5.) Offences which are now cognisable only by the Court of 10 Justiciary shall hereafter be prosecuted only before such court.

No person to be prosecuted again for the same offence.

**12.** From and after the commencement of this Act, any person who has been or shall be prosecuted for any act or acts as constituting an offence under any one or more of the game laws 15 shall not be liable to be again prosecuted for the same act or acts as constituting an offence under any other of the game laws.

Leases or agreements about game existing at passing of this Act not to be affected by it.

**13.** This Act shall not prejudice or affect any lease or agreement about game existing at the date of the passing of this Act.

A.D. 1877.

## SCHEDULES.

The GAME ACTS referred to in this Act.

### (I.)

An Act of the Parliament of Scotland, passed in the year 1587, chapter 59, intituled "Slayers of wilde-beastes committes theft."

An Act of the Parliament of Scotland, passed in the year 1621, chapter 31, intituled "Anent hunting and hauling."

- 5    An Act of the Parliament of Scotland, passed in the year 1707, chapter 91, intituled "An Act for preserving the game."

An Act for the more effectual preservation of the game in that part of Great Britain called Scotland, and for repealing and amending several of the laws now in being relative thereto. 13 George 3, chapter 54.

- 10   An Act for the more effectual prevention of persons going armed by night for the destruction of game. 9 George 4, Chapter 69.

An Act to amend the laws in England relative to game. 1 & 2 William 4, chapter 32.

- 15   An Act for the more effectual prevention of trespasses upon property by persons in pursuit of game in that part of Great Britain called Scotland. 2 & 3 William 4, chapter 68.

An Act to continue for one year compositions for assessed taxes, and to alter the period for the expiration of game certificates, and for granting licences to deal in game. 2 & 3 Victoria, chapter 35.

- 20   An Act to extend an Act of the ninth year of King George the Fourth for the more effectual prevention of persons going armed by night for the destruction of game. 7 & 8 Victoria, chapter 29.

- 25   An Act to enable all persons having at present a right to kill hares in Scotland to do so themselves, or by persons authorized by them, without being required to take out a game certificate, 11 & 12 Victoria, chapter 20.

An Act to repeal the duties on game certificates, and certificates to deal in game, and to impose in lieu thereof duties on excise licences and certificates for the like purposes. 23 & 24 Victoria, chapter 90.

- 30   An Act to amend the laws relating to the Inland Revenue. 24 & 25 Victoria, chapter 91.

An Act for the prevention of poaching. 25 & 26 Victoria, chapter 114.

A.D. 1877.

(II.)

I *A.B.* do authorize *C.D.* to kill hares and rabbits on the lands occupied by me within the (*here insert the name of the parish or other place, as the case may be*).

Dated this                      day of                      . 5  
(*here insert the day, month, and year.*)

*A.B.*

Witness,

## Game Laws (Scotland) Amendment.

A

### B I L L

To amend the Laws relating to Game  
in Scotland.

(*Prepared and brought in by*  
*Mr. McLagan, Sir Wm. Stirling Maxwell, Sir*  
*Edward Colebrooke, and Mr. John Mailland*).

*Ordered, by The House of Commons, to be Printed,*  
*9 February 1877.*

[Bill 25.]

*Under 2 oz.*

# Game Laws (Scotland) Amendment Bill.

[AS AMENDED IN COMMITTEE.]

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## ARRANGEMENT OF CLAUSES.

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### Clause.

1. Title and extent of Act.
2. Commencement of Act.
3. Interpretation clause.
4. Right of taking and killing game to be in the lessee, unless reserved by the lessor.
5. Lessee being of opinion that damage to his crops exceeds the sum mentioned in his lease, to intimate the same to the lessor.
6. Provisions as to actions of damage between lessor and lessee.
7. Provisions as to arbitrations for settling claims of damage between lessors and lessees.
8. Lessee may kill hares without game certificate.
9. Authority to kill hares, to be limited to one person at the same time in any one parish.
10. Prosecutions under game laws to be before the sheriff.
11. No person to be prosecuted again for the same offence.
12. Leases or agreements about game existing at passing of this Act not to be affected by it.

### SCHEDULES.

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A

# B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Laws relating to Game in Scotland.

**W**HEREAS divers Acts of Parliament have from time to time A.D. 1877.  
 been passed relating to the preservation of game in Scotland,  
 and certain of these Acts are enumerated in Schedule I. to this Act  
 annexed, and are in this Act referred to as the "Game Acts;"

5    And whereas by the Common Law of Scotland the sole right of  
 taking and killing game belongs to the proprietor of the land ;

And whereas it is expedient that these laws should be amended ;

Be it enacted by the Queen's most Excellent Majesty, by and  
 with the advice and consent of the Lords Spiritual and Temporal,  
 10 and Commons, in this present Parliament assembled, and by the  
 authority of the same, as follows :

1. This Act may be cited for all purposes as "The Game Laws Title and  
extent of  
Act.  
 "Amendment (Scotland) Act, 1877," and shall apply to Scotland  
 only.

15    2. This Act shall commence and come into operation on the first Commence-  
ment of Act.  
 day of January one thousand eight hundred and seventy-eight,  
 which day is hereafter referred to as the commencement of this  
 Act.

3. In this Act, unless there be something in the subject or Interpreta-  
tion clause.  
 20 context repugnant to such construction,

1. The word "lessor" shall mean the grantor of any lease of  
 land for any term not less than two years, and also the  
 person or persons for the time in the right and subject to the  
 obligations of the grantor with respect to such lease ;

25    2. The word "lessee" shall mean the grantee of any lease of  
 land for any term not less than two years, and also the  
 person or persons for the time in the right and subject to the  
 obligations of the grantee with respect to such lease ;

3. The word "sheriff" shall include sheriff substitute ;

[Bill 107.]

A

- A.D. 1877. 4. The word "game" shall include all the animals enumerated in the Game Acts or any of them ;
5. The word "crop" shall include grass, whether intended for hay or pasture.

Right of taking and killing game &c. to be in the lessee, unless reserved by the lessor.

4. The sole right of hunting, taking, and killing rabbits and hares, and other game upon any land, shall from and after the commencement of this Act, unless the same be effectually reserved to himself by the lessor, be in the lessee in occupation of such land, subject to the following provisions :

1. The lessee shall occupy the land under a lease made subsequently to the commencement of this Act : 10
2. The lessee shall not be entitled to assign such right apart from the lease to any person without the lessors consent in writing :
3. Where there is a reservation of the sole right of hunting, killing, or taking rabbits, hares, and other game, wild birds and wild animals, or any of them, the lessee shall be entitled to compensation for the damage done to his crops in each year by the rabbits and hares, or other game harboured on the lands of the lessor to which the reservation applies, in excess of such sum as may have been set forth in the lease, as the amount of annual damage for which it is agreed no compensation shall be due ; and if no such sum shall be set forth in the lease, then in excess of the sum of forty shillings : 25
4. During the currency of any lease the parties thereto may from time to time, by any agreement in writing, increase or diminish the estimated amount of the annual damage aforesaid.

Lessee being of opinion that damage to his crops exceeds the sum mentioned in his lease, to intimate the same to the lessor.

5. In the event of a lessee in occupation of land under a lease made subsequently to the commencement of this Act, being of opinion that the damage done to his crops by rabbits and hares, and other game harboured on the lands of the lessor in any one year during the lease, such year being reckoned from Whitsunday to Whitsunday, has exceeded the sum named in the lease, or if no sum is therein named, the sum of forty shillings, he shall intimate this opinion to the lessor in writing, stating at the same time that it is his intention, failing agreement as to the amount of such excess of damage, or a reference to arbiters to settle the same, to take steps to recover the amount of such excess of damage in the form and manner herein-after provided. 30 35 40

6. With regard to actions for the recovery of damages under this Act, the following provisions shall have effect : A.D. 1877.

Provisions as  
to actions of  
damage  
between  
lessor and  
lessee.

1. No such action at the instance of a lessee against a lessor shall be competent unless the lessee shall have given to the lessor  
5 notice in writing of his intention to bring the same, in the case of damage done to growing crop, except grass for pasture, at least three weeks before the crop is reaped or raised, and in the case of damage done to crop reaped or raised, at least one week before it is removed from the land,  
10 and in the case of damage done to grass for pasture at least two weeks before the grass is pastured :
2. Any such action may be brought in the Sheriff Small Debt Court of the county within which the lands or any part thereof are situated, without regard to the amount sued for  
15 in name or damage, provided that such amount shall not exceed the sum of fifty pounds sterling, and all the provisions of the Small Debt Acts shall apply to any such action so brought :

Where the amount sued for exceeds the sum of fifty pounds the action shall be brought in the ordinary sheriff court ;

Any sum found due by the sheriff shall form a deduction from the rent of the lands occupied by the lessee, and may be retained by him from the first rent that becomes due after the date of the decree, and, in the event of there being no  
25 rent becoming due, the decree may be enforced in the usual form and manner.

7. When a lessor and lessee agree in writing to refer to arbitration any claim of damage arising under this Act, the following provisions shall have effect :

Provisions  
as to arbi-  
trations for  
settling  
claims of  
damage  
between  
lessors and  
lessees.

- 30 1. Either party having in writing named an arbiter, and given notice of the nomination to the other party, and called on him to name an arbiter, and the other party having for fourteen days after such call failed to comply therewith in writing, the arbiter nominated may settle the claim as if he  
35 had been appointed by both parties, and his award shall be final. The office of every such arbiter shall be held to endure until the term of Whit Sunday next following the date of his appointment, and thereafter until he shall have given his award or awards with reference to all claims for  
40 any damages as aforesaid arising during the year ended at the same term :

[107.]

A 2



A.D. 1877.

2. Where two arbiters are named by the parties the arbiters shall, before proceeding to the arbitration, name in writing an oversman or umpire who shall be entitled finally to decide on the claim in case of their disagreement :

3. The reference, the claim, the nomination of an arbiter or oversman, and the award may be validly made by any writing, however informal, admitted or proved to be genuine :

4. No proceedings under this clause shall be void for want of form. In an arbitration under this clause the course of the procedure and the inquiry shall be such as the person or persons acting therein shall direct, and the award therein shall be final, and though informal may be enforced by action in any court of law, according to the true construction and tenor thereof. 10

Lessee may  
kill hares  
without  
game certi-  
ficate.

8. From and after the commencement of this Act, it shall be lawful for any lessee, by himself or by any person directed or authorized by him in writing according to the Form in Schedule two to this Act annexed, or to the like effect, to pursue, take, kill, or destroy any hare then being in or upon any such land without obtaining any game certificate or licence to do so. 15 20

Authority to  
kill hares  
to be  
limited to  
one person  
at the same  
time in any  
one parish.

9. Provided always, and be it enacted, that no lessee shall be authorized to grant or continue, under the provisions of this Act, authority to more than one person at one and the same time to kill hares upon the land occupied by him within any one parish : Provided also, that the lessee shall intimate to the lessor of the said lands, or his factor, or any one to whom he may have instructed the lessee to transmit such intimation, the name of the person so authorized by the lessee. 25

Prosecutions  
under game  
laws to be  
before the  
sheriff.

10. From and after the commencement of this Act, all offences against the Game Acts shall be prosecuted, subject to the following provisions ; that is to say, 30

(1.) Any prosecution which is at present competent either before the sheriff or the justices of peace for the county shall, from and after the passing of this Act, be competent only before the sheriff : 35

(2.) Any prosecution which is at present competent only before the justices of the peace for the county shall, from and after the passing of this Act, be competent only before the sheriff, who shall have all jurisdiction, authority, and power necessary for entertaining and determining the same ; and all forms, procedure, and provisions applicable to prosecutions before justices of the peace shall, except as 40

herein-after provided, be applicable mutatis mutandis to A.D. 1877.  
prosecutions before the sheriff as aforesaid :

- (3.) Where in any county there is more than one resident sheriff substitute any prosecution under the Game Acts shall be brought before the court of a sheriff substitute within whose district the offence is alleged to have been committed, or before the sheriff sitting in such court :
- (4.) It shall not be competent to appeal from the decision of the sheriff substitute to the sheriff :
- (5.) Offences which are now cognisable only by the Court of Justiciary shall hereafter be prosecuted only before such court.

11. From and after the commencement of this Act, any person who has been or shall be prosecuted for any act or acts as constituting an offence under any one or more of the game laws shall not be liable to be again prosecuted for the same act or acts as constituting an offence under any other of the game laws: Provided always, that nothing in this section shall apply to any prosecution under any enactment relating to the Inland Revenue.

No person to be prosecuted again for the same offence.

12. This Act shall not prejudice or affect any lease or agreement about game existing at the date of the passing of this Act.

Leases or agreements about game existing at passing of this Act not to be affected by it.

A.D. 1877.

## SCHEDULES.

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### (I.)

An Act of the Parliament of Scotland, passed in the year 1587, chapter 43, intituled "Aganis slayeris of deir and utheris wyld beastis."

An Act of the Parliament of Scotland, passed in the year 1621, chapter 31, intituled "Anent hunting and haulking." 5

An Act of the Parliament of Scotland, passed in the year 1707, chapter 91, intituled "Act for preserving the game."

An Act for the more effectual preservation of the game in that part of Great Britain called Scotland, and for repealing and amending several of the laws now in being relative thereto. 13 George III., chapter 54. 10

An Act for repealing two Acts passed in the thirty-sixth year of the reign of his present Majesty, which limit the time for killing partridges in England and Scotland, and for amending so much of an Act passed in the second year of the reign of his present Majesty, as relates to such limitation within that part of Great Britain called England, by making other provisions for that purpose. 15 39 Geo. III., chapter 34.

An Act for the more effectual prevention of persons going armed by night for the destruction of game. 9 George IV., chapter 69.

An Act to amend the laws in England relative to game. 1 & 2 William IV., chapter 32. 20

An Act for the more effectual prevention of trespasses upon property by persons in pursuit of game in that part of Great Britain called Scotland. 2 & 3 William IV., chapter 68.

An Act to continue for one year compositions for assessed taxes, and to alter the period for the expiration of game certificates, and for granting licences to deal in game. 2 & 3 Victoria, chapter 35. 25

An Act to extend an Act of the ninth year of King George the Fourth for the more effectual prevention of persons going armed by night for the destruction of game. 7 & 8 Victoria, chapter 29.

An Act to enable all persons having at present a right to kill hares in Scotland to do so themselves, or by persons authorized by them, without being required to take out a game certificate, 11 & 12 Victoria, chapter 30. 30

An Act to repeal the duties on game certificates, and certificates to deal in game, and to impose in lieu thereof duties on excise licences and certificates for the like purposes. 23 & 24 Victoria, chapter 90. 35

An Act to amend the laws relating to the Inland Revenue. 24 & 25 Victoria, chapter 91.

An Act for the prevention of poaching. 25 & 26 Victoria, chapter 114.

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**Game Laws (Scotland)  
Amendment.**

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**A**

**B I L L**

[AS AMENDED IN COMMITTEE]

To amend the Laws relating to Game  
in Scotland.

(Prepared and brought in by  
*Mr. McLagan, Sir Wm. Stirling Maxwell, Sir  
Edward Colebrooke, and Mr. John Mailland.*)

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*Ordered, by The House of Commons, to be Printed,  
6 March 1877.*

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[Bill 107.]

*Under 2 oz.*

## LORDS AMENDMENTS

TO THE

### GAME LAWS (SCOTLAND) BILL.

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*Note.—The page and line refer to the Bill (44.) as first printed by the Lords.*

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#### *Page 1.*

In the preamble, leave out lines 5. and 6.

Line 7, after (“these”) leave out (“laws”) and insert (“Acts”)

#### *Page 2.*

Line 4, after (“pasture”) insert (“except where grown upon  
“ muirlands ”)

Line 11, leave out from the beginning of clause 4. to (“the”) in line 21, and insert (“where under any lease made subsequently to the commencement of this Act, or where by  
“ presumption of common law upon any land occupied  
“ under a lease made subsequently to the commencement  
“ of this Act, the lessor shall reserve or retain ”)

Line 22, after (“hares”) leave out (“and”) and insert (“or”)

Line 25, leave out from (“game”) to (“in”) in line 26 and insert (“to which the lessor may have reserved or retained  
“ the sole right ”)

Line 37, after (“rabbits”) leave out (“and”) and insert (“or”)

Line 38, leave out (“and”) and insert (“or”), and after (“game”) insert (“to which the lessor may have reserved  
“ or retained the sole right, and which may be ”)

#### *Page 3.*

Transpose clauses 6 and 7 (as amended)

Line 16, leave out (“two weeks before the grass is pastured”) and insert (“fourteen days before the person appointed by  
“ the lessee to value the damage shall inspect the crop with  
“ the view of valuing of such damage ”)

[Bill 233.]

*Page 3.*

Line 17, after ("the") leave out ("sheriff") and insert ("sheriff's")

Line 25, after ("sterling") insert ("Provided always, that the  
"sheriff substitute shall, whenever required to do so by  
"either party, take and record the evidence led before him,  
"in which case an appeal shall lie to the sheriff, whose  
"judgment shall be final")

Line 29, after ("Act") insert ("or have agreed so to do in  
"any lease made subsequently to the passing of this Act")

*Page 4.*

Line 8, after ("this") leave out ("clause") and insert ("section")

Line 14, after ("thereof") insert—

5. Any notice under this section shall be in writing, and may be served on the person to whom it is to be given either personally or by leaving it for him at his last known place of abode in Scotland, or by sending it through the post in a registered letter addressed to him there; and if so sent by post it shall be deemed to have been served at the time when the letter containing it would be delivered in ordinary course, and in order to prove service by letter it shall be sufficient to prove that the letter was properly addressed and posted and that it contained the notice to be served.

*Page 5.*

Lines 8 and 9, leave out sub-section (4.)

Lines 15 and 17, leave out ("game laws") and insert ("game Acts")

Line 20, after ("lease") insert ("of land, or any lease")

Line 21, leave out ("passing") and insert ("commence-  
"ment")

*Page 6.*

Leave out lines 25, 26, and 27.

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**LORDS AMENDMENTS**

**TO THE**

**GAME LAWS (SCOTLAND) BILL.**

*Ordered, by The House of Commons, to be Printed,  
4 July 1877.*

[Bill 233.]

*Under 1 oz.*

A  
  
B I L L

TO

Amend the Laws relating to Game in Scotland.

A.D. 1877.

**W**HEREAS it is expedient to amend the law relative to the preservation of game in Scotland, and relative to tenants taking game : Preamble.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as The Game Laws Amendment (Scotland) Act, 1877, and shall apply to Scotland only. Title and extent of Act.
2. In this Act, unless there be something in the subject or context repugnant to such construction, the word "tenant" shall mean any person now or hereafter in occupation of lands in Scotland under any lease, or agreement of lease, written or verbal ; the word "lessor" shall mean any person entitled to the rent of such lands ; the word "county" shall include stewartry, and also any ward or other like division of county or stewartry ; the word "sheriff" shall include sheriff substitute. Interpretation clause.
3. *From and after the passing of this Act* it shall be lawful for any tenant in occupation of lands in Scotland under any lease or agreement of lease, where the exclusive right of killing hares is not specially reserved to the proprietor by the lease, or otherwise, to kill and destroy hares upon land in his occupation, in like manner as it is now competent for tenants in occupation of lands in Scotland to kill rabbits thereon. Tenant in occupation may kill hares.
4. A tenant who shall kill hares or rabbits in pursuance of this Act shall not thereby become liable to pay any assessed taxes, nor shall be bound, as a qualification for so killing hares or rabbits, to take out any license under Act twenty-third and twenty-fourth Victoria, chapter ninety. Tenant not required to take out license to kill hares or rabbits.
- [Bill 92.] +

A.D. 1877.

Tenant may  
appoint one  
person to  
kill hares  
and rabbits.

5. Any tenant of lands entitled to kill hares by virtue of this Act may, by writing under his hand, appoint not more than one person to kill hares and rabbits thereon, such person to be approved of by the landlord ; and such person shall not be required to take out any license, or be liable to any duty of assessed taxes as a gamekeeper, or be deemed or be taken to be a trespasser, in terms of the Act of the second and third years of His late Majesty King William, chapter sixty-eight. 5

Tenant may  
recover com-  
pensation  
from his  
lessor for  
damage by  
increase of  
game in  
sheriff court.

6. *From and after the passing of this Act* a tenant shall be entitled to recover compensation from his lessor for any damages he may sustain in consequence of or by reason of the increase of hares, rabbits, or game unduly encouraged or not duly prevented by the lessor on lands occupied by the tenant during the currency of his lease, provided that such increase shall arise subsequent to the passing hereof ; and such compensation shall be sued for and recoverable only in the sheriff court of the county wherein the lands in respect of which the said damage is alleged to have been sustained are situate ; and the judgment of the sheriff substitute or sheriff, in so far as the same consists of findings in point of fact, or fixes the amount of damages, shall be final and not subject to review, it being competent to appeal from the decision of the sheriff substitute to the sheriff ; but provided always, that the judgment of the sheriff substitute or sheriff, in so far as the same consists of findings in law, shall be subject to the review of the supreme courts. 10 15 20 25

Saving of  
rights.

7. Nothing in this Act shall affect the rights of parties under contracts, the occupation under which shall have commenced before the passing of this Act, or affect any leases of game existing at the date of the passing thereof.



**Game Laws (Scotland)  
Amendment (No. 2).**

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**B I L L**

To amend the Laws relating to Game  
in Scotland.

*(Prepared and brought in by  
Lord Elcho and Sir Graham Montgomery.)*

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*Ordered, by The House of Commons, to be Printed,  
16 February 1877.*

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[Bill 92.] +  
*Under 1 oz.*

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B I L L

INTITULED

An Act for confirming certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Abingdon Gas, Cranleigh Gas, Horsham Gas, Mansfield Gas, Newcastle-under-Lyme Gas, North Camp and Farnborough District Gas, and Southbank and Normanby Gas. A.D. 1877.

**W**HEREAS under the authority of the Gas and Water Works Facilities Act, 1870, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed :

5 And whereas a Provisional Order made by the Board of Trade under the authority of the Gas and Water Works Facilities Act, 1870, is not of any validity or force whatever until the confirmation thereof by Act of Parliament :

10 And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament :

15 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as The Gas and Water Orders Confirmation (Abingdon, &c.) Act, 1877. Short title.

20 2. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed ; and all the provisions thereof, in manner and form as they are set out in the said schedule, shall from and after the passing of this Act, have full validity and force. Confirmation of Orders in schedule.

[Bill 235.]

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A.D. 1877.

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## SCHEDULE OF ORDERS.

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1. ABINGDON GAS.—Order empowering the Abingdon Gaslight and Coke Company, Limited, to maintain and continue Gasworks and to manufacture and supply Gas in the Parishes of St. Helen and St. Nicholas within the Borough of Abingdon, and in such part of the Parish of St. Helen as is 5 without the Municipal Borough but within the area of the Parliamentary Borough of Abingdon, all in the County of Berks.
2. CRANLEIGH GAS.—Order empowering the Cranleigh Gas and Coke Company, Limited, to maintain and continue Gasworks and to manufacture Gas in the Parish of Cranleigh, otherwise Cranley, and to supply 10 Gas in that Parish and in certain adjoining Parishes, in the County of Surrey.
3. HORSHAM GAS.—Order empowering the Horsham Gas Company, Limited, to maintain and continue Gasworks and to manufacture and supply Gas in the Parish of Horsham, in the County of Sussex. 15
4. MANSFIELD GAS.—Order empowering the Mansfield Gaslight Company to raise additional Capital.
5. NEWCASTLE-UNDER-LYME GAS.—Order empowering the Newcastle-under-Lyme Gaslight Company to raise additional Capital.
6. NORTH CAMP AND FARNBORO' DISTRICT GAS.—Order empowering the 20 North Camp and Farnboro' District Gas Company, Limited, to construct and maintain Gasworks and to make and supply Gas in the Parishes of Farnboro' and Ash, and the Chapelry of Frimley, in the Counties of Southampton and Surrey.
7. SOUTHBANK AND NORMANBY GAS.—Order conferring further powers 25 for the construction of Gasworks and for the manufacture and supply of Gas on the Southbank and Normanby Gaslight and Coke Company, Limited.

ABINGDON GAS.

A.D. 1877.

*Order empowering the Abingdon Gaslight and Coke Company, Limited, to maintain and continue Gasworks and to manufacture and supply Gas in the Parishes of St. Helen and St. Nicholas within the Borough of Abingdon, and in such*  
5 *part of the Parish of St. Helen as is without the Municipal Borough but within the area of the Parliamentary Borough of Abingdon, all in the County of Berks.*

1. This Order may be cited as "The Abingdon Gas Order, 1877." Short title.
- 10 2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters,) of "The Gasworks Clauses Act, 1847," and of "The Gasworks Clauses Act, 1871," are hereby incorporated with this Order, except where the same are expressly varied by this Order ; Incorporation of Acts.
- 15 and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of
- 20 this Order.
3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings. Interpretation.
- 25 4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the area of the Municipal Borough of Abingdon, together with so much of the Parish of St. Helen, Abingdon, without the said Municipal Borough as is included within the limits of the Parliamentary Borough of
- 30 Abingdon. Limits of Order.

*Undertakers.*

5. The Abingdon Gas Light and Coke Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers." The Undertakers.
- 35 6. The share capital of the Undertakers shall for the purposes of their gas undertaking consist of the original share capital, amounting to ten thousand pounds, already raised by the Undertakers, and of additional share capital to be issued subject to the provisions of this Order not exceeding ten thousand pounds, and the original and additional share capital of the Undertakers shall
- 40 not for such purposes exceed twenty thousand pounds, unless the Undertakers

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A.D. 1877. shall be authorised to raise additional share capital by Provisional Order under  
"The Gas and Water Works Facilities Act, 1870," or by Act of Parliament.

New shares to  
be offered by  
auction or  
tender.

7. The Undertakers shall, when any shares forming part of the additional capital by this Order authorized are to be issued, and before offering the same to the holder of any other shares or stock of the Undertakers, and whether 5 the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not, offer the same for sale by public auction or by tender, in such manner, at such times, and subject to such conditions of sale as the Undertakers shall from time to time by special resolution determine: Provided that at any such sale the reserved price put upon such shares shall not be less 10 than the nominal amount thereof, and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders, as the case may be, and such letter may be opened after such day of auction or last day for the reception of tenders, 15 and not sooner, and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

As to notice to  
be given as to  
sale, &c. of  
shares.

8. The intention to sell any shares by auction or by tender under the provisions of this Order shall be communicated by the Undertakers in writing to the town clerk of the borough of Abingdon and to the secretary of the 20 Committee of the London Stock Exchange, at least twenty-eight days before the day of auction or the last day for the reception of tenders, as the case may be, and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of the borough of Abingdon. 25

Shares not sold  
by auction or  
by tender to be  
offered to  
shareholders.

9. When any shares have been offered for sale by auction or by tender under the provisions of this Order, and not sold, the same shall be offered, at the reserved price put upon the same respectively for the purpose of sale by auction or tender, to the holders of the ordinary shares or ordinary stock of the Undertakers, in such manner as may be prescribed by a special resolution 30 passed by the Undertakers: Provided always, that any shares so offered, and not accepted within the time prescribed by such special resolution, shall again be offered for sale by public auction or by tender, in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital by this Order authorized. 35

Application of  
premium  
arising on  
issue of shares.

10. Any sum of money which shall arise from the issue of any shares under the provisions of this Order by way of premium, after deducting therefrom the expenses of and incident to such issue, shall not be considered as profits of the Undertakers, but shall be expended in extending or improving the works of the Undertakers, or in paying off money borrowed or owing on 40 mortgage by the Undertakers, and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limits of divi-  
dend on addi-  
tional capital.

11. The Undertakers shall not in any year make out of their profits any larger dividend on the additional capital by this Order authorized than seven pounds in respect of every one hundred pounds actually paid up of such 45 capital as shall be issued as ordinary capital, or six pounds in respect of

every one hundred pounds actually paid of such capital as may be issued as preference capital. A.D. 1877.

12. The amount of all moneys borrowed by the Undertakers and secured by mortgage of their undertaking, shall not at any one time exceed in the whole five thousand pounds. Limits of money borrowed on mortgage.

13. The Undertakers may from time to time purchase by agreement, and, subject to the provisions of section five of "The Gasworks Clauses Act, 1871," may hold, for any of the purposes of this Order, any land not exceeding one acre, in addition to the land shown on the map deposited for the purposes of this Order (in this Order referred to as "the deposited map"), and described in the schedule to this Order annexed. Power to purchase additional lands.

*Maintenance and Continuance of Gasworks, Manufacture and Sale of Gas, Coke, and Residual Products.*

14. The Undertakers on the lands shown on the deposited map, and described in the schedule to this Order annexed, may maintain and continue, and from time to time alter and enlarge, retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom; and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coal-tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere. Undertakers may maintain and continue gasworks on lands described in schedule, and may make and sell gas, &c.

15. If any difference arise between the Undertakers and any railway, canal, or other company whose lands or works the Undertakers have power to cross, under the authority of this Order, for the purposes of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party. Differences with railway and other companies.

*Quality of Gas.*

16. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fourteen sperm candles, and shall in all respects be in accordance with the provisions of "The Gasworks Clauses Act, 1871." Quality of gas.

*Price of Gas.*

17. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed six shillings and eightpence per one thousand cubic feet, and so in proportion for any less quantity supplied: Provided, nevertheless, that every fraction of one hundred feet may be charged as one hundred feet. Price of gas.

A.D. 1877.

*Pressure of Gas.*

**Pressure of gas.** 18. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height, 5 at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

*Testing of Gas.*

**Test meter.** 19. The Undertakers shall, within six months after passing of the Act confirming this Order, cause to be provided at their works a testing place, 10 with apparatus therein, according to the provisions of "The Gasworks Clauses Act, 1871;" and the burner to be used for testing the gas shall be a Sugg's London Argand, No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used, and any gas examiner appointed 15 under "The Gasworks Clauses Act, 1871," for the purposes of this Order, may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road 20 authority.

*Miscellaneous.*

**No penalty in case of unavoidable cause.** 20. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such 25 insufficiency, defect, or excess was caused by an unavoidable cause or accident.

**Undertakers to pay interest on deposit.** 21. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five 30 pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

**8 Vict. c. 16. s. 140. incorporated.** 22. Section 140 of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order; provided that, for the purpose 35 of such incorporation, the expression "the Company" in the said section shall be construed to mean the Undertakers.

**Saving of existing contracts.** 23. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the gasworks of or the supply of 40 gas by the Undertakers.

**Costs of Order.** 24. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

SCHEDULE.

A.D. 1877.

GAS LANDS.

- A plot of land belonging to and occupied by the Undertakers, situate in the Parish of Saint Nicholas, in the borough of Abingdon, in the county of Berks, bounded on the east by land belonging to John Shawe Phillips, on the north by land belonging to the said John Shawe Phillips, and the Abbey Mill Stream, on the west by buildings belonging to Henry Yeates, and on the south partly by buildings of the said Henry Yeates and partly by the river Thames.
- 10 And also another plot of land near to the first described plot, and belonging to the Undertakers, bounded on the south side by Thames Street, on the east by tenements and garden of George Frederick Glanville and Mary Ann George respectively, on the north side by land belonging jointly to George Bowes Morland and Tom Lindars, and on the west by a tenement of
- 15 Thomas Hicks.

CRANLEIGH GAS.

- Order empowering the Cranleigh Gas and Coke Company, Limited, to maintain and continue Gasworks and to manufacture Gas in the Parish of Cranleigh, otherwise Cranley, and to supply*
- 20 *Gas in that parish, and in certain adjoining parishes, in the County of Surrey.*

1. This Order may be cited as "The Cranleigh Gas Order, 1877." Short title.
2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to
- 25 the entry on lands by the Promoters), of "The Gasworks Clauses Act, 1847," and of "The Gasworks Clauses Act, 1871," are hereby incorporated with this Order, except where the same are expressly varied by this Order; and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the passing
- 30 of the Act confirming this Order, and situated within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order.
3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective
- 35 meanings. Interpretation.
4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes and places of Alfold, Albury, Cranleigh otherwise Cranley, Dunsfold,
- 40 Ewhurst, Hascomb, and Womersh, in the county of Surrey. Limits of Order.

[235.]

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A.D. 1877.

*Undertakers.*

The Undertakers.

5. The Cranleigh Gas and Coke Company (Limited) shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital.

6. The share capital of the Undertakers shall for the purposes of their gas 5 undertaking consist of the original share capital, amounting to four thousand pounds, already raised by the Undertakers, and of additional share capital to be issued subject to the provisions of this Order, not exceeding four thousand pounds, and the original and additional share capital of the Undertakers shall not for such purposes exceed eight thousand pounds, unless the Undertakers 10 shall be authorised to raise additional share capital by Provisional Order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament.

New shares to be offered by auction or tender.

7. The Undertakers shall, when any shares forming part of the additional capital authorised by this Order are to be issued, and before offering the same 15 to the holder of any other shares or stock of the Undertakers, and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not, offer the same for sale by public auction or by tender, in such manner, at such times, and subject to such conditions of sale as the Undertakers shall from time to time by special resolution determine: Provided that at any such sale the reserved price put upon such shares shall not be less than 20 the nominal amount thereof, and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders, as the case may be, and such letter may be opened after such day of auction or last day for the reception of tenders, and not sooner, 25 and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

Where shareholder bids or tenders for a share the same amount as any other person shareholder to be declared the purchaser.

8. Where the highest amount bidden or tendered by any proprietor of a share or shares of the Undertakers (in this Order referred to as a "proprietor") 30 for any share or any number of shares offered for sale by auction or by tender under the provisions of this Order is equal to the highest amount bidden or tendered for such last-mentioned share or shares by any person not being a proprietor, then and in every such case such proprietor shall be declared to be the purchaser of and entitled to such share or shares.

As to notice to be given as to sale &amp;c. of shares.

9. The intention to sell any shares by auction or by tender under the 35 provisions of this Order shall be communicated by the Undertakers in writing to the clerk of the local authority of the district in which the principal office of the Undertakers is situate, and to the secretary of the Committee of the London Stock Exchange, at least twenty-eight days before the day of auction or the last day for the reception of tenders, as the case may be, and notice of such 40 intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares not sold by auction or by tender to be offered to shareholders.

10. When any shares have been offered for sale by auction or by tender, 45 under the provisions of this Order, and not sold, the same shall be offered at the reserved price put upon the same respectively for the purpose of

sale by auction or tender, to the holders of the ordinary shares or ordinary stock of the Undertakers, in such manner as may be prescribed by a special resolution passed by the Undertakers: Provided always, that any shares so offered, and not accepted within the time prescribed by such special resolution,  
5 shall again be offered for sale by public auction or by tender, in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital by this Order authorised.

A.D. 1877.

11. Any sum of money which shall arise from the issue of any shares under the provisions of this Order by way of premium, after deducting therefrom the expenses of and incident to such issue, shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers, or in paying off money borrowed or owing on mortgage by the Undertakers, and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application of premium arising on issue of shares.

12. The Undertakers shall not in any year make out of their profits any larger dividend on the additional capital by this Order authorised, than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid of such capital, as may be issued as preference capital.

Limits of dividend on additional capital.

13. The Undertakers may from time to time purchase by agreement and, subject to the provisions of section five of "The Gasworks Clauses Act, 1871," may hold for any of the purposes of this order any land not exceeding two acres, in addition to the land shown on the deposited map deposited for the purposes of this order (in this order referred to as "the deposited map") and described in the schedule to the Order annexed.

Power to purchase additional lands.

*Maintenance and Continuance of Gasworks, Manufacture and Sale of Gas, Coke, and Residual Products.*

14. The Undertakers on the lands shown on the deposited map, and described in the schedule to this Order annexed, may maintain and continue, and from time to time alter and enlarge, retorts, gasholders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom; and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coal-tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere.

Undertakers may maintain and continue gasworks on lands described in schedule, and may make and sell gas, &c.

15. If any difference arise between the Undertakers and any railway, canal, or other company whose lands or works the Undertakers have power to cross, under the authority of this Order, for the purposes of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Differences with railway and other companies.

[235.]

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A.D. 1877.

*Quality of Gas.*

**Quality of gas.** 16. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by twelve sperm candles, and shall in all respects be in accordance with the provisions of "The Gasworks Clauses Act, 1871." 5

*Price of Gas.*

**Price of gas.** 17. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed eight shillings and sixpence per one thousand cubic feet, and so on in proportion for any less quantity supplied; provided nevertheless that every fraction of one hundred feet may be charged as one hundred feet. 10

*Pressure of Gas.*

**Pressure of gas.** 18. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height, at the main as near as may be to the junction therewith of the service pipe supplying such consumer. 15

*Testing of Gas.*

**Test meter.** 19. The Undertakers shall within six months after passing of the Act confirming this Order, cause to be provided at their works a testing place, with apparatus therein, according to the provisions of "The Gasworks Clauses Act, 1871;" and the burner to be used for testing the gas shall be a Sugg's London argand No. 1, with a six inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass a six inch by two inch chimney shall be used; and any gas examiner appointed under "The Gasworks Clauses Act, 1871," for the purposes of this Order, may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority. 20 25 30

*Miscellaneous.*

**No penalty in case of unavoidable cause.** 20. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was caused by an unavoidable cause or accident. 35

**Undertakers to pay interest on deposit.** 21. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. 40

22. Section 140 of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order: Provided that, for the purpose of such incorporation, the expression "the Company" in the said section shall be construed to mean the Undertakers. A.D. 1877.  
8 Vict. c. 16.  
s. 140. in-  
corporated.
- 5 23. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the gasworks of or the supply of gas by the Undertakers. Saving of  
existing  
contracts.
- 10 24. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers. Costs of Order.

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### SCHEDULE.

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#### GAS LANDS.

- 15 Land now belonging to and occupied by the Undertakers situate in the parish of Cranleigh otherwise Cranley, in the county of Surrey, containing half an acre or thereabouts, and bounded on the north and west by the Common there called Cranleigh Common, on the south and south-west by the line of railway running from Guildford, in the said county, to Horsham, in the county of Sussex, belonging to the London, Brighton, and South Coast Railway Com-  
20 pany; and on the east by a cottage and garden belonging, or reputed to belong, to the trustees of James Holmes deceased, and in the occupation of Abraham Lassam and Thomas Redman.

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#### HORSHAM GAS.

- 25 *Order empowering the Horsham Gas Company, Limited, to maintain and continue Gasworks and to manufacture and supply Gas in the Parish of Horsham, in the County of Sussex.*

1. This Order may be cited as "The Horsham Gas Order, 1877." Short title.
- 30 2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters), of "The Gasworks Clauses Act, 1847," and of "The Gasworks Clauses Act, 1871," are hereby incorporated with this Order, except where the same are expressly varied by this Order; and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains,  
35 pipes, and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as  
[235.] Incorporation  
of Acts.



A.D. 1877. defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order.

Interpretation. 3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same 5 respective meanings.

Limits of Order. 4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parish of Horsham, in the county of Sussex.

*Undertakers.*

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The Undertakers. 5. The Horsham Gas Company Limited shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital. 6. The share capital of the Undertakers shall for the purposes of their gas undertaking consist of the original share capital, amounting to fifteen thousand pounds, already raised by the Undertakers, and of additional share capital to be 15 issued subject to the provisions of this Order, not exceeding fifteen thousand pounds, and the original and additional share capital of the Undertakers shall not for such purposes exceed thirty thousand pounds, unless the Undertakers shall be authorised to raise additional share capital by Provisional Order under "The Gas and Water Works Facilities Act, 1870," or by Act of 20 Parliament.

New shares to be offered by auction or tender. 7. The Undertakers shall, when any shares forming part of the additional capital authorised by this Order are to be issued, and before offering the same to the holder of any other shares or stock of the Undertakers, and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium 25 or not, offer the same for sale by public auction or by tender, in such manner, at such times, and subject to such conditions of sale as the Undertakers shall from time to time by special resolution determine: Provided that at any such sale the reserved price set upon such shares shall not be less than the nominal amount thereof, and notice of the amount of such reserved price shall be 30 sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders, as the case may be, and such letter may be opened after such day of auction or last day for the reception of tenders, and not sooner, and provided that no priority of tender shall be allowed to any holder of shares or stock of 35 the Undertakers.

Where shareholder bids or tenders for a share the same amount as any other person shareholder to be declared the purchaser. 8. Where the highest amount bidden or tendered by any proprietor of a share or shares of the Undertakers (in this Order referred to as the proprietor) for any share or any number of shares offered for sale by auction or by tender under the provisions of this Order is equal to the highest amount bidden or 40 tendered for such last-mentioned share or shares by any person not being a proprietor, then and in every such case such proprietor shall be declared to be the purchaser of and entitled to such share or shares.

9. The intention to sell any shares by auction or by tender, under the provisions of this Order, shall be communicated by the Undertakers in writing to the clerk of the local authority of the district in which the principal office of the Undertakers is situate, and to the secretary of the Committee of the London  
5 Stock Exchange, at least twenty-eight days before the day of auction or the last day for the reception of tenders, as the case may be, and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.
10. When any shares have been offered for sale by auction or by tender,  
10 under the provisions of this Order, and not sold, the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender, to the holders of the ordinary shares of the Undertakers, in such manner as may be prescribed by a special resolution passed by the Undertakers :  
15 Provided always, that any shares so offered, and not accepted within the time prescribed by such special resolution, shall again be offered for sale by public auction or by tender, in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital by this Order authorised.
11. Any sum of money which shall arise from the issue of any shares under  
20 the provisions of this Order by way of premium, after deducting therefrom the expenses of and incident to such issue, shall not be considered as profits of the Undertakers, but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers, and shall not be considered as part of the capital of the  
25 Undertakers entitled to dividend.
12. The Undertakers shall not in any year make out of their profits any larger dividend on the additional capital by this Order authorised than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of  
30 every one hundred pounds actually paid of such capital as may be issued as preference capital.
13. The Undertakers may from time to time purchase by agreement, and subject to the provisions of section five of "The Gasworks Clauses Act, 1871," may hold for any of the purposes of this Order, any land not exceeding one  
35 acre, in addition to the land shown on the map deposited for the purposes of this Order (in this Order referred to as "the deposited map") and described in the schedule to this Order annexed.

A.D. 1877.

As to notice to be given as to sale, &c. of shares.

Shares not sold by auction or by tender to be offered to shareholders.

Application of premium arising on issue of shares.

Limits of dividend on additional capital.

Power to purchase additional lands.

- Maintenance and Continuance of Gasworks, Manufacture and Sale of Gas, Coke, and Residual Products.*
- 40 14. The Undertakers on the lands shown on the deposited map, and described in the schedule to this Order annexed, may maintain and continue, and from time to time alter and enlarge, retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters  
45 producible therefrom; and they may, subject to the provisions of this Order,

Undertakers may maintain and continue gasworks on lands described in schedule, and may make and sell gas, &c.

A.D. 1877. — make gas, and supply and sell the same within the limits of supply, and may manufacture coal-tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere. 5

Differences  
with railway  
and other  
companies.

15. If any difference arise between the Undertakers and any railway, canal, or other company whose lands or works the Undertakers have power to cross, under the authority of this Order, for the purposes of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, 10 the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

*Quality of Gas.*

Quality of gas. 16. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light 15 produced by fourteen sperm candles, and shall in all respects be in accordance with the provisions of "The Gasworks Clauses Act, 1871."

*Price of Gas.*

Price of gas. 17. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed seven shillings and sixpence per one thousand cubic 20 feet, and so in proportion for any less quantity supplied; provided nevertheless, that every fraction of one hundred feet may be charged as one hundred feet.

*Pressure of Gas.*

Pressure of gas. 18. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of 25 water not less than six tenths of a inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height, at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

*Testing of Gas.*

Test meter. 19. The Undertakers shall, within six months after passing of the Act confirming this Order, cause to be provided at their works a testing place, with apparatus therein, according to the provisions of "The Gasworks Clauses Act, 1871;" and the burner to be used for testing the gas shall be a Sugg's London argand No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, and 35 if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used, and any gas examiner appointed under "The Gasworks Clauses Act, 1871," for the purposes of this Order, may from time to time, subject to the terms of his appointment, at such testing place or else-

where, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority. A.D. 1877.

*Miscellaneous.*

- 5 20. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was caused by an unavoidable cause or accident. No penalty in case of unavoidable cause.
- 10 21. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas, or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. Undertakers to pay interest on deposit.
- 15 22. Section 140 of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order; provided that, for the purpose of such incorporation, the expression "the Company" in the said section shall be construed to mean the Undertakers. 8 Vict. c. 16. s. 140. incorporated.
- 20 23. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the gasworks of or the supply of gas by the Undertakers. Saving of existing contracts.
- 25 24. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers. Costs of Order

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SCHEDULE.

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GAS LANDS.

- 30 The land now belonging to and occupied by the Undertakers, situate in the parish of Horsham, in the county of Sussex, being bounded on the north and east by land in the occupation of Alfred Agate, on the south by premises of George Sharp, and on the west by the Springfield Road leading from West Street to the North Parade in the parish of Horsham aforesaid.

A.D. 1877.

**MANSFIELD GAS.**

*Order empowering the Mansfield Gaslight Company to raise  
additional Capital.*

- |                           |   |                            |
|---------------------------|---|----------------------------|
| Short title.              | 1. This Order may be cited as "The Mansfield Gas Order, 1877."  |                            |
| Construction<br>of Order. | 2. The "Mansfield Gas Act, 1852," (in this Order referred to as "the Act of 1852,") and this Order shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.   | 5                          |
| Incorporation<br>of Acts. | 3. So far as the same relate to the powers conferred by this Order, the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several matters following; (that is to say,<br>The distribution of the capital hereby authorised into shares;<br>The transfer or transmission of shares;<br>The payment of subscriptions and the means of enforcing payment of calls;<br>The forfeiture of shares for nonpayment of calls;<br>The remedies of the creditors of the Company against the shareholders;<br>The consolidation of shares into stock;<br>The general meetings of the Company, and the exercise of the right of voting by the shareholders;<br>The making of dividends;<br>The borrowing of money by the Company on mortgage or bond;<br>The giving of notices, and the provisions for affording access to the special Act;<br>and Part 1 (relating to cancellation and surrender of shares), and Part 2 (relating to additional capital), and Part 3 (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," "The Gasworks Clauses Act, 1847," and "The Gasworks Clauses Act, 1871," are, except where expressly varied by this Order, incorporated with and form part of this Order.<br>For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order. | 10<br>15<br>20<br>25<br>30 |
| Undertakers.              | 4. The Mansfield Gaslight Company, incorporated by the Act of 1852, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."  |                            |
|                           | <i>Additional Capital.</i>  | 35                         |
| Additional<br>capital.    | 5. In addition to the capital already authorised to be raised by the Undertakers, they may from time to time—<br>1. Raise any further sums not exceeding in the whole twelve thousand pounds by the issue of new ordinary or preference shares, but not less than the full nominal amount of any such share shall be payable or paid in respect thereof;<br>2. Borrow on mortgage, in respect of the capital raised by shares under the authority of the Act of 1852, any further sums not exceeding in the whole two thousand seven hundred and fifty pounds; and  | 40                         |

A.D. 1877.

3. Borrow on mortgage, in respect of the additional capital of twelve thousand pounds by this Order authorised to be raised by ordinary or preference shares, any sums not exceeding in the whole three thousand pounds; and the Undertakers may, as each sum of four thousand pounds of such additional capital has been issued and accepted, and one half of the amount of each such sum has been paid up, borrow on mortgage, in respect of each such sum of four thousand pounds, any sum or sums not exceeding in the whole one thousand pounds; but in no case shall any part of the said respective sums be borrowed until the Undertakers shall have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital in respect of which such borrowing powers are sought to be exercised has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued *bonâ fide*, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Undertakers, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.
6. The Undertakers shall not issue any share under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share shall have been paid up in respect thereof. Shares not to be issued until one fifth part thereof paid up.
7. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.
8. The proprietors of any shares or stock forming part of the additional capital raised under the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of the Undertakers; and the proprietors of such new shares or stock shall, except as in this Order specially provided, be entitled to the same dividends and the same rights and privileges in all respects, and be subject to the same obligations and liabilities, as the proprietors of the original shares or stock of the Undertakers. Votes of proprietors.
9. The Undertakers shall, when any shares created under the powers of this Order are to be issued, and before offering the same to the holder of any other shares or stock of the Undertakers, and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not, offer the same for sale by public auction or by tender, in such manner, at
- New shares to be offered by auction or tender.

A.D. 1877.

such times, and subject to such conditions of sale as the Undertakers shall from time to time determine: Provided that at any such sale the reserved price put upon such shares shall not be less than the nominal amount thereof, and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four 5 hours before the day of auction or the last day for the reception of tenders, as the case may be, and such letter may be opened after such day of auction or last day for the reception of tenders, and not sooner, and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers. 10

Where shareholder bids or tenders for a share the same amount as any other person shareholder to be declared the purchaser.

10. Where the highest amount bidden or tendered by any proprietor of a share or shares of the Undertakers (in this Order referred to as a proprietor) for any share or any number of shares offered for sale by auction or by tender under the provisions of this Order is equal to the highest amount bidden or tendered for such last-mentioned share or shares by any person not being a 15 proprietor, then and in every such case such proprietor shall be declared to be the purchaser of and entitled to such share or shares.

As to notice to be given as to sale, &c. of shares.

11. The intention to sell any shares by auction or by tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of the Mansfield Improvement Commissioners, and to the secretary 20 of the Committee of the London Stock Exchange, at least twenty-eight days before the day of auction or the last day for the reception of tenders, as the case may be, and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply. 25

Shares not sold by auction or by tender to be offered to shareholders.

12. When any shares have been offered for sale by auction or by tender under the provisions of this Order, and not sold, the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender, to the holders of the ordinary shares or ordinary stock of the Undertakers, in manner provided by the Companies Clauses Act, 1863: 30 Provided always, that any shares so offered, and not accepted within the time prescribed by the said Act, shall again be offered for sale by public auction or by tender, in the manner and subject to the provisions of this Order with respect to the sale of shares created under the powers of this Order.

Application of premium arising on issue of shares.

13. Any sum of money which shall arise from the issue of any such shares 35 by way of premium, after deducting therefrom the expenses of and incident to such issue, shall not be considered as profits of the Undertakers, but shall be expended in extending or improving the works of the Undertakers, or in paying off money borrowed or owing on mortgage by the Undertakers, and shall not be considered as part of the capital of the Undertakers entitled to dividend. 40

Power to create debenture stock.

14. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order.

Priority of existing mortgages.

15. Every mortgage granted by the Undertakers under the authority of the Act of 1852 shall have priority over all mortgages and debenture stock granted 45 and issued under this Order.

A.D. 1877.

16. The Undertakers shall not in any year make out of their profits any larger dividend on the additional share capital by this Order authorised than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid of such capital as shall be issued as preference capital.

Limits of dividend on additional capital.

17. All moneys raised under this Order shall be applied in the first instance to the payment of any debts of the Undertakers existing at the passing of the Act confirming this Order, and not secured by mortgage under the authority of the Act of 1852, and then to the purposes of the undertaking authorised by the Act of 1852.

Application of money.

18. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

Costs of Order

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15                      **NEWCASTLE-UNDER-LYME GAS.**

*Order empowering the Newcastle-under-Lyme Gaslight Company to raise additional Capital.*

1. This Order may be cited as "The Newcastle-under-Lyme Gas Order, 1877."

Short title.

20    2. The Newcastle-under-Lyme Gaslight Act, 1855, (in this Order referred to as "the Act of 1855,") and this Order shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Construction of Order.

25    3. So far as the same relate to the powers conferred by this Order, the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several matters following; (that is to say)

Incorporation of Acts.

30            The distribution of the capital hereby authorised into shares;  
              The transfer or transmission of shares;  
              The payment of subscriptions and the means of enforcing payment of calls;  
              The forfeiture of shares for nonpayment of calls;  
              The remedies of the creditors of the Company against the shareholders;  
              The consolidation of shares into stock;  
              The general meetings of the Company, and the exercise of the right of voting by the shareholders;  
35            The making of dividends;  
              The borrowing of money by the Company on mortgage or bond;  
              The giving of notices, and the provisions for affording access to the special Act;

40            and Part 1 (relating to cancellation and surrender of shares), and Part 2 (relating to additional capital), and Part 3 (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869,"

[235.]

C 2



A.D. 1877.

and "The Gasworks Clauses Act, 1871," are, except where expressly varied by this Order, incorporated with and form part of this Order.

For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order.

Undertakers.

4. The Newcastle-under-Lyme Gaslight Company, incorporated by the Act of 1855, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

*Additional Capital.*

Additional capital.

5. In addition to the capital already authorised to be raised by the Undertakers, they may from time to time—

1. Raise any further sums not exceeding in the whole six thousand pounds by the issue of new ordinary or preference shares, but not less than the full nominal amount of any such share shall be payable or paid in respect thereof; 10
2. Borrow on mortgage forthwith on the passing of the Act confirming this Order, in respect of the existing capital of the Undertakers authorised by the Act of 1855, the further sum of one thousand pounds; and 15
3. Borrow on mortgage, in respect of the additional capital of six thousand pounds by this Order authorised to be raised by ordinary or preference shares, any sums not exceeding in the whole one thousand five hundred pounds; and the Undertakers may, as each sum of one thousand pounds of such additional capital has been issued and accepted, and one half of the amount of each such sum has been paid up, borrow on mortgage, in respect of each such sum of one thousand pounds, any sum or sums not exceeding in the whole two hundred and fifty pounds; but in no case shall any part of the said respective sums of two hundred and fifty pounds be borrowed until the Undertakers shall have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital in respect of which such borrowing powers are sought to be exercised has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Undertakers, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof. 30 35 40

Shares not to be issued until one fifth part thereof paid up.

6. The Undertakers shall not issue any share under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share shall have been paid up in respect thereof. 45

A.D. 1877.

7. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Calls.

- 5 8. The proprietors of any shares or stock forming part of the additional capital raised under the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of the Undertakers; and the proprietors of such new shares or stock shall, except as in this Order specially provided, be entitled to the same dividends and the same rights and privileges in all respects, and be subject to the same obligations and liabilities, as the proprietors of the original shares or stock of the Undertakers.

Votes of proprietors.

- 15 9. The Undertakers shall, when any shares created under the powers of this Order are to be issued, and before offering the same to the holder of any other shares or stock of the Undertakers, and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not, offer the same for sale by public auction or by tender, in such manner, at such times, and subject to such conditions of sale as the Undertakers shall from time to time determine: Provided that at any such sale the reserved price put upon such shares shall not be less than the nominal amount thereof, and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders, as the case may be, and such letter may be opened after such day of auction or last day for the reception of tenders, and not sooner, and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

New shares to be offered by auction or tender.

- 30 10. Where the highest amount bidden or tendered by any proprietor of a share or shares of the Undertakers (in this Order referred to as a proprietor) for any share or any number of shares offered for sale by auction or by tender under the provisions of this Order is equal to the highest amount bidden or tendered for such last-mentioned share or shares by any person not being a proprietor, then and in every such case such proprietor shall be declared to be the purchaser of and entitled to such share or shares.

Where shareholder bids or tenders for a share the same amount as any other person shareholder to be declared the purchaser.

- 40 11. The intention to sell any shares by auction or by tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of the local authority of the district in which the principal office of the Undertakers is situate, and to the secretary of the Committee of the London Stock Exchange, at least twenty-eight days before the day of auction or the last day for the reception of tenders, as the case may be, and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

As to notice to be given as to sale, &c. of shares.

- 45 12. When any shares have been offered for sale by auction or by tender under the provisions of this Order, and not sold, the same shall be offered, at

Shares not sold by auction or by tender to be

A D. 1877.

offered to  
shareholders.

the reserved price put upon the same respectively for the purpose of sale by auction or tender, to the holders of the ordinary shares or ordinary stock of the Undertakers, in manner provided by "The Companies Clauses Act, 1863:" Provided always, that any shares so offered, and not accepted within the time prescribed by the said Act, shall again be offered for sale by public auction or by tender, in the manner and subject to the provisions of this Order with respect to the sale of shares created under the powers of this Order. 5

Application  
of premium  
arising on  
shares.

13. Any sum of money which shall arise from the issue of any shares under the provisions of this Order by way of premium, after deducting therefrom the expenses of and incident to such issue, shall not be considered as profits of the Undertakers, but shall be expended in extending or improving the works of the Undertakers, or in paying off money borrowed or owing on mortgage by the Undertakers, and shall not be considered as part of the capital of the Undertakers entitled to dividend. 10

Power to create  
debenture  
stock.

14. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order. 15

Priority of  
existing mort-  
gages.

15. Every mortgage granted by the Undertakers under the authority of the Act of 1855 shall have priority over all mortgages and debenture stock granted and issued under this Order. 20

Limits of divi-  
dend on addi-  
tional capital.

16. The Undertakers shall not in any year make out of their profits any larger dividend on the additional capital by this Order authorised than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid of such capital as shall be issued as pre- 25  
ference capital.

Dividends on  
different  
classes of  
shares to be  
paid rateably.

17. In case in any half year the net revenues of the Undertakers applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or stock in the capital and additional capital of the Undertakers, a rateable deduction shall be made in the dividend of each class. 30

Appointment  
of a receiver.

18. The mortgagees of the Undertakers under this Order may enforce payment of arrears of principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one tenth part of the total amount for the time being owing by the Undertakers on mortgage under the authority of this Order. 35

Application of  
money.

19. All moneys raised under this Order shall be applied in the first instance to the payment of the debts of the Undertakers existing at the passing of the Act confirming this Order, and not secured by mortgage under the authority of the Act of 1855, and then to the purposes of the undertaking authorised by the Act of 1855. 40

Costs of Order.

20. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers. 45

NORTH CAMP AND FARNBORO' DISTRICT GAS.

Order empowering the North Camp and Farnboro' District Gas Company (Limited) to construct and maintain Gasworks and to make and supply Gas in the Parishes of Farnboro' and Ash, and the Chapelry of Frimley, in the Counties of Southampton and Surrey.

1. This Order may be cited as "The North Camp and Farnboro' District Gas Order, 1877." Short title.

2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters), of "The Gasworks Clauses Act, 1847," and of "The Gasworks Clauses Act, 1871," are hereby incorporated with this Order, except where the same are expressly varied by this Order. Incorporation of Acts.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings. Interpretation.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parish of Farnboro', in the county of Southampton, and the parish of Ash, otherwise Ash and Normandy, and the chapelry of Frimley, in the county of Surrey. Limits of Order.

*Undertakers.*

5. The North Camp and Farnboro' District Gas Company (Limited) shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers." Undertakers.

*Capital.*

6. The share capital of the Undertakers shall for the purposes of their gas undertaking consist of the original share capital, amounting to twenty thousand pounds, already raised by the Undertakers, and of additional share capital to be issued subject to the provisions of this Order not exceeding ten thousand pounds, and the original and additional share capital of the Undertakers shall not for such purposes exceed thirty thousand pounds, unless the Undertakers shall be authorised to raise additional share capital by Provisional Order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament. Capital.

7. The Undertakers shall, when any shares forming part of the additional capital by this Order authorised are to be issued, and before offering the same to the holder of any other shares or stock of the Undertakers, and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not, offer the same for sale by public auction or by tender, in such manner, at such times, and subject to such conditions of sale as the Undertakers New shares to be offered by auction or tender.

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shall from time to time by special resolution determine: Provided that at any such sale the reserved price put upon such shares shall not be less than the nominal amount thereof, and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction, or the last day 5 for the reception of tenders, as the case may be, and such letter may be opened after such day of auction or last day for the reception of tenders, and not sooner, and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

Where shareholder bids or tenders for a share the same amount as any other person shareholder to be declared the purchaser.

8. Where the highest amount bidden or tendered by any proprietor of a 10 share or shares of the Undertakers (in this Order referred to as a proprietor) for any share or any number of shares offered for sale by auction or by tender under the provisions of this Order is equal to the highest amount bidden or tendered for such last-mentioned share or shares by any person not being a proprietor, then and in every such case such proprietor shall be declared to be 15 the purchaser of and entitled to such share or shares.

As to notice to be given as to sale, &c. of shares.

9. The intention to sell any shares by auction or by tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of the local authority of the district in which the principal office of the Undertakers is situate, and to the secretary of the Committee of 20 the London Stock Exchange, at least twenty-eight days before the day of auction, or the last day for the reception of tenders, as the case may be, and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply. 25

Shares not sold by auction or by tender to be offered to shareholders.

10. When any shares have been offered for sale by auction or by tender under the provisions of this Order and not sold, the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender, to the holders of the ordinary shares or ordinary stock of the Undertakers, in such manner as may be prescribed by a special 30 resolution passed by the Undertakers: Provided always, that any shares so offered, and not accepted within the time prescribed by such special resolution, shall again be offered for sale by public auction or by tender, in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital by this Order authorised. 35

Application of premium arising on issue of shares.

11. Any sum of money which shall arise from the issue of any shares under the provisions of this Order by way of premium, after deducting therefrom the expenses of and incident to such issue, shall not be considered as profits of the Undertakers, but shall be expended in extending or improving the works of the Undertakers, or in paying off money borrowed or owing on mortgage by the 40 Undertakers, and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limits of dividend on additional capital.

12. The Undertakers shall not in any year make out of their profits any larger dividend on the additional capital by this Order authorised to be raised by shares or stock than seven pounds in respect of every one hundred pounds 45 actually paid up of such capital as shall be issued as ordinary capital, or six

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pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

*Acquisition of Lands, &c.*

13. The Undertakers may by agreement purchase and use such of the lands shown on the map deposited for the purpose of this Order, (in this Order referred to as "the deposited map,") and described in the schedule to this Order annexed, as may be required for the undertaking authorised by this Order.

Power to purchase land.

14. The Undertakers may from time to time purchase by agreement, and, subject to the provisions of section five of "The Gasworks Clauses Act, 1871," may hold for any of the purposes of this Order, any land not exceeding one acre, in addition to the lands shown on the deposited map and described in the schedule to this Order annexed.

Additional land.

15 *Construction and Maintenance of Gasworks, Manufacture and Sale of Gas, Coke, and Residual Products.*

15. The Undertakers on any of the lands shown on the deposited map, and described in the schedule to this Order annexed, when the same have been acquired by them, may erect and maintain, and from time to time alter and enlarge, retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom; and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coke, coal-tar, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas, and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere.

Undertakers may erect and maintain gas-works on lands described in schedule, and may make and sell gas, &c.

16. If any difference arise between the Undertakers and any railway, canal, or other company whose land or works the Undertakers have power, under the authority of this Order, to cross for the purpose of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging pipes, or as to the facilities to be afforded for the same, the difference shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Differences with railway and other companies.

*Quality of Gas.*

17. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fifteen sperm candles, and shall in all respects be in accordance with the provisions of "The Gasworks Clauses Act, 1871."

Quality of gas.

*Price of Gas.*

18. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed seven shillings per one thousand cubic feet, and so in proportion for any less quantity supplied: Provided nevertheless, that every fraction of one hundred feet may be charged as one hundred feet.

Price of gas.

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*Pressure of Gas.*

Pressure of  
gas.

19. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height, 5  
at the main as near as may be to the junction therewith of the service pipe supplying each consumer.

*Testing Gas.*

Testing of gas.

20. The Undertakers, before supplying gas under the authority of this Order, shall cause to be provided at their works a testing place with apparatus therein, 10  
according to the provisions of "The Gasworks Clauses Act, 1871;" and the burner to be used for testing the gas shall be a Sugg's London argand, No. 1, with a six inch by one and three quarter inch glass chimney, and if at any time the gas flame tails over the top of the glass a six inch by two inch chimney shall be used, and any gas examiner appointed under "The Gasworks Clauses 15  
Act, 1871," for the purposes of this Order, may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of 20  
any local or road authority.

*Miscellaneous.*

No penalty in  
case of un-  
avoidable  
cause.

21. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was caused by an unavoidable cause or accident. 25

Undertakers to  
pay interest on  
deposit.

22. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way 30  
of such security for every six months during which the same remains in their hands.

Incorporation  
of section 140  
of "The Com-  
panies Clauses  
Consolidation  
Act, 1845."

23. Section one hundred and forty of "The Companies Clauses Consolidation Act, 1845," shall be and is hereby incorporated with this Order; provided that for the purposes of such incorporation the expression "the Company" in the 35  
said section shall be construed to mean the Undertakers.

Saving of  
existing con-  
tracts.

24. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the gasworks of or the supply of gas by the Undertakers. 40

Costs of Order.

25. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, or otherwise incurred in relation thereto, shall be paid by the Undertakers.

SCHEDULE.

GAS LANDS.

Land now belonging to and occupied by the Undertakers situate in the parish of Farnboro', in the county of Southampton, forming part of two several  
5 pieces of land called respectively Lynchford Meadow and Middle Field, both in the occupation of Eliza Hall, containing one acre or thereabouts, and bounded on the north-east and east sides partly by the South Eastern Railway and partly by the Blackwater River, and on the south and west and north-west sides by land belonging or reputed to belong to James Fitchett Burrell.

10 SOUTHBANK AND NORMANBY GAS.

*Order conferring further powers for the construction of Gasworks and for the manufacture and supply of Gas on the Southbank and Normanby Gaslight and Coke Company, Limited.*

1. This Order may be cited as "The Southbank and Normanby Gas Order, Short title.  
15 1877."

2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters), of "The Gasworks Clauses Act, 1847," and of "The Gasworks Clauses Act, 1871," are hereby incorporated with this  
20 Order, except where the same are expressly varied by this Order; and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down  
25 or constructed under the authority of this Order.

3. From and after the passing of the Act confirming this Order, sections twelve to thirty-eight, both inclusive, of The Southbank and Normanby Gas Order, 1871, (in this Order referred to as "the Order of 1871,") and the schedule to the said Order, shall cease to be in force and have effect: Provided always,  
30 that the provisions of this section shall not have any retroactive operation.

4. The Order of 1871, as amended by this Order, and this Order shall be construed together.

5. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works  
35 Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings.

6. The limits within which the provisions of the Order of 1871 and of this Order shall be in force and have effect shall be the townships of Normanby and Eston in the parish of Eston, the townships of Lakenby,  
40 Lazenby, and Wilton, in the parish of Wilton, the extra-parochial land lying



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between the said townships of Normanby, Eston, Lakenby, Lazenby, and Wilton, and low-water mark of the River Tees, and so much of the parish of Ormesby as lies south of the line which defines the limits of the North Ormesby Gas Company, Limited, under the North Ormesby Gas Order, 1876; and the term "the Limits of Supply," in the Order of 1871 and in this Order shall be construed to mean the aforesaid limits. 5

Undertakers.

7. The Southbank and Normanby Gas Light and Coke Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Additional share capital.

8. In addition to the share capital authorised by the Order of 1871 the Undertakers may from time to time raise additional share capital to be issued subject to the provisions of this Order, not exceeding in the whole forty thousand pounds. 10

New shares to be offered by auction or tender.

9. The Undertakers shall, when any shares forming part of the additional capital by this Order authorised, are to be issued, and before offering the same to the holder of any other shares or stock of the Undertakers, and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not, offer the same for sale by public auction or by tender, in such manner, at such times, and subject to such conditions of sale as the Undertakers shall from time to time by special resolution determine: Provided that at any such sale the reserved price put upon such shares shall not be less than the nominal amount thereof, and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day of the reception of tenders as the case may be, and such letter may be opened after such day of auction or last day for the reception of tenders, and not sooner, and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers. 15 20 25

Where shareholder bids or tenders for a share the same amount as any other person shareholder to be declared the purchaser.

10. Where the highest amount bidden or tendered by any proprietor of a share or shares of the Undertakers (in this Order referred to as a proprietor) for any share or any number of shares offered for sale by auction or by tender under the provisions of this Order is equal to the highest amount bidden or tendered for such last-mentioned share or shares by any person not being a proprietor, then and in every such case such proprietor shall be declared to be the purchaser of and entitled to such share or shares. 30 35

As to notice to be given as to sale, &amp;c. of shares.

11. The intention to sell any shares by auction or by tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of the local authority of the district in which the principal office of the Undertakers is situate, and to the secretary of the Committee of the London Stock Exchange, at least twenty-eight days before the day of auction or the last day for the reception of tenders, as the case may be, and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply. 40

Shares not sold by auction or by tender to be offered to shareholders.

12. When any shares have been offered for sale by auction or by tender under the provisions of this Order, and not sold, the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by 45

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5 auction or tender, to the holders of the ordinary shares or ordinary stock of the Undertakers, in such manner as may be prescribed by a special resolution passed by the Undertakers: Provided always, that any shares so offered, and not accepted within the time prescribed by such special resolution, shall again be offered for sale by public auction or by tender, in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital by this Order authorised.

10 13. Any sum of money which shall arise from the issue of any shares under the provisions of this order, by way of premium, after deducting therefrom the expenses of and incident to such issue, shall not be considered as profits of the Undertakers, but shall be expended in extending or improving the works of the Undertakers, or in paying off money borrowed or owing on mortgage by the Undertakers, and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application  
premium  
arising on  
issue of shares.

15 14. The Undertakers shall not in any year (except as herein-after provided in the event of a reduction in the price of gas) make out of their profits any larger dividend on the capital authorised by the Order of 1871, than ten pounds in respect of every one hundred pounds actually paid up of such capital, and on the additional share capital authorised by this Order than seven pounds in  
20 respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid of such capital, as may be issued as preference capital, which rates of dividend are in this Order referred to as "the prescribed rates of dividend."

Limits of divi-  
dend on  
capital.

25 15. The amount of all moneys borrowed by the Undertakers and secured by mortgage of their undertaking, shall not at any one time exceed in the whole twelve thousand five hundred pounds.

Limits of  
money bor-  
rowed on  
mortgage.

16. All moneys raised under this Order shall be applied to the purposes of the Undertaking authorised by the Order of 1871 and this Order.

Application of  
money.

30 *Construction and Maintenance of Gasworks, Manufacture and Sale of Gas, Coke, and Residual Products.*

17. The Undertakers on any of the lands shown on the deposited map, and described in the schedule to this Order annexed, when the same have been acquired by them, may erect and maintain, and from time to time alter and enlarge gasworks in addition to the works authorised by the Order of 1871, that  
35 is to say, retorts, gas-holders, receivers, purifiers, meters, apparatus, a purifying house and lime-house, engine-house, and boiler houses, engines, boilers, washers, scrubbers, condensers, and a railway siding, and other works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom; and in addition to the  
40 powers conferred upon them by the Order of 1871, they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coke, coal-tar, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manu-

Undertakers  
may erect and  
maintain gas-  
works on lands  
described in  
schedule, and  
may make and  
sell gas, &c.

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Differences  
with railway  
and other  
companies.

facture of gas, and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere.

18. If any difference arise between the Undertakers and any railway, canal, or other company whose land or works the Undertakers have power, under the authority of this Order, to cross for the purpose of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging pipes, or as to the facilities to be afforded for the same, the difference shall be settled by an engineer to be appointed by the Board of Trade at the request of either party. 5

*Quality of Gas.*

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Quality of gas.

19. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fourteen sperm candles, and shall in all respects be in accordance with the provisions of "The Gasworks Clauses Act, 1871."

*Price of Gas.*

15

Fixing  
maximum price  
of gas, with  
sliding scale as  
to dividend.

20. The Standard price to be charged by the Undertakers for gas supplied by them shall be five shillings per one thousand cubic feet, provided that the Undertakers may increase or diminish such standard price subject to a decrease or increase in the prescribed rates of dividend to be calculated as follows:—

For every penny or part of a penny charged in excess or in diminution of such standard price in any year the prescribed rates of dividend shall for such year be reduced or increased by five shillings in the one hundred pounds per annum, and such prescribed rates of dividend when so reduced or increased shall for the purposes of the Gasworks Clauses Act, 1847, be considered to be the prescribed rates of dividend. 20 25

In case the amount due by any consumer is not paid within one month after demand the Undertakers shall be entitled to demand by way of fine in respect of every one thousand cubic feet of gas consumed and charged for in such amount a sum not exceeding one penny for every shilling forming part of the standard price payable in respect of such one thousand cubic feet, and any such sum so demanded by the Undertakers shall be paid to the Undertakers and may be recovered by them in like manner as gas rents. 30

*Pressure of Gas.*

Pressure of  
gas.

21. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height, at the main as near as may be to the junction therewith of the service pipe supplying such consumer. 35

*Testing of Gas.*

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Test meter.

22. The Undertakers shall, before supplying gas from any of their works, cause to be provided at such works a testing place, with apparatus therein, according to the provisions of "The Gasworks Clauses Act, 1871;" and the burner to be used for testing the gas shall be a Sugg's

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London Argand, No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used, and any gas examiner appointed under "The Gasworks Clauses Act, 1871," for the purposes of this Order, 5 may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority.

*Miscellaneous.*

- 10 23. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was caused by an unavoidable cause or accident. No penalty in case of unavoidable cause.
- 15 24. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their 20 hands. Undertakers to pay interest on deposit.
- 25 25. Section 140 of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order; provided that, for the purpose of such incorporation, the expression "the Company" in the said section shall be construed to mean the Undertakers. 8 Vict. c. 16. s. 140. incorporated.
- 25 26. Nothing in this Order contained shall take away, lessen, prejudice, or interfere with any estates, rights, or powers for manufacturing and supplying gas now enjoyed or exercised by Messieurs Bolckow, Vaughan, and Company (Limited) at their works at Eston. Saving rights of Messrs. Bolckow, Vaughan, & Co. (Limited).
- 30 27. Any mains, pipes, or other works which, under the authority of this Order, the Undertakers may lay down or execute under or over any railway of the North-eastern Railway Company, shall be so laid down and executed and subsequently maintained and repaired under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of that Company, and in accordance with plans and sections previously submitted to and approved 35 of by him. For the protection of the North-eastern Railway Company.
28. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the gasworks of or the supply of gas by the Undertakers. Saving of existing contracts.
- 40 29. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers. Costs of Order.

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SCHEDULE.

GAS LANDS.

1. A piece or parcel of land belonging or reputed to belong to Ralph Jackson, bounded on the north by the existing gasworks of the Undertakers, on the south and west by other lands belonging or reputed to belong to the said Ralph Jackson, and on the east by the road leading from Normanby to Southbank, and containing by admeasurement four thousand seven hundred and eighty-one square yards or thereabouts.

2. A triangular piece of land belonging or reputed to belong to the said Ralph Jackson abutting on the west side of the first-mentioned piece of land, bounded on the north by the railway siding now forming part of the works of the Undertakers, and on the south-east and west by other lands belonging or reputed to belong to the said Ralph Jackson, containing by admeasurement four hundred square yards or thereabouts, and which is intended to be used for the purpose of a siding only, and not for the manufacture or storage of gas or residual products.

**Gas and Water Orders  
Confirmation (Abing-  
don, &c.) [H.L.]**

A

**B I L L**

INTITLED

An Act for confirming certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Abingdon Gas, Cranleigh Gas, Hors-ham Gas, Mansfield Gas, Newcastle-under-Lyme Gas, North Camp and Farnborough District Gas, and South-bank and Normanby Gas.

(*Brought from the Lords 5 July 1877.*)

*Ordered, by The House of Commons, to be Printed,  
5 July 1877.*

[Bill 235.]

*Under 4 oz.*

**A**

**B I L L**

**INTITULED**

An Act for confirming certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Brotton Gas, Guisbrough Gas, Bridport Water, Burgess Hill Water, Ruthin Water, and Pickering Gas and Water.

**WHEREAS** under the authority of the Gas and Water Works Facilities Act, 1870, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed :

5 And whereas a Provisional Order made by the Board of Trade under the authority of the Gas and Water Works Facilities Act, 1870, is not of any validity or force whatever until the confirmation thereof by Act of Parliament :

And whereas it is expedient that the several Provisional Orders  
10 made by the Board of Trade under the authority of the said Act,  
and set out in the schedule to this Act, be confirmed by Act of  
Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and  
15 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as The Gas and Water Orders Confirmation (Brotton, &c.) Act, 1877.

25      **2.** The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed; and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after the passing of this Act, have full validity and force.

Confirmation  
of Orders in  
schedule.

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## SCHEDULE OF ORDERS.

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### 1. GAS ORDERS.

1. **BROTTON GAS.**—Order conferring powers for the maintenance and continuance of gasworks, and for the manufacture and supply of gas in the township of Brotton, in the parish of Brotton, in the North Riding 5  
of the county of York.
2. **GUISBROUGH GAS.**—Order conferring powers for the maintenance and continuance of gasworks, and for the manufacture and supply of gas, within the parish of Guisbrough, in the North Riding of the county 10  
of York.

### 2. WATER ORDERS.

3. **BRIDPORT WATER.**—Order empowering the Bridport Waterworks Company to raise additional capital.
4. **BURGESS HILL WATER.**—Order empowering the Burgess Hill and Saint John's Common Water Company, Limited, to construct and 15  
maintain waterworks, and to supply water in the parish of Hurstpierpoint, in the county of Sussex.
5. **RUTHIN WATER.**—Order empowering the Ruthin Water Company to raise additional capital.

### 3. GAS AND WATER ORDER.

6. **PICKERING GAS AND WATER.**—Order empowering the Pickering Gas and Water Company, Limited, to construct and maintain gasworks and waterworks, and to make and supply gas and to supply water within the township of Pickering, in the county of York. 20

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## BROTTON GAS.

*Order conferring powers for the maintenance and continuance of Gasworks, and for the manufacture and supply of Gas in the Township of Brotton, in the Parish of Brotton, in the North Riding of the County of York.*

1. This Order may be cited as "The Brotton Gas Order, 1877." Short title.
2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters), of "The Gasworks Clauses Act, 1847," and of "The Gasworks Clauses Act, 1871," are hereby incorporated with this Order, except where the same are expressly varied by this Order; and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order. Incorporation of Acts.
3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings. Interpretation.
4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the township of Brotton, in the parish of Brotton, in the north riding of the county of York. Limits of Order.

- Undertakers.*
5. The Brotton Gas Light and Coke Company, Limited, formerly called The Brotton and Lofthouse Gas Light and Coke Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."
6. The share capital of the Undertakers shall not exceed fifteen thousand pounds, unless the Undertakers shall be authorised to raise additional share capital by Provisional Order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament.
7. The Undertakers may from time to time purchase by agreement and, subject to the provisions of section five of "The Gasworks Clauses Act, 1871," may hold for any of the purposes of this Order any land not exceeding five acres, in addition to the land shown on the map deposited for the purposes of this Order, and described in the schedule to this Order annexed.



A.D. 1877. *Maintenance and Continuance of Gasworks, Manufacture and Sale of Gas, Coke, and Residual Products.*

Undertakers  
may maintain  
and continue  
gasworks on  
lands described  
in schedule,  
and may make  
and sell gas,  
&c.

8. The Undertakers on the lands shown on the map deposited for the purposes of this Order, and described in the schedule to this Order annexed, may maintain and continue, and from time to time alter and enlarge, their existing gasworks and works connected therewith, and may construct and enlarge retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom; and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coal-tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere. 5 10

Differences  
with railway  
and other  
companies.

9. If any difference arise between the Undertakers and any railway, canal, or other company whose lands or works the Undertakers have power to cross, under the authority of this Order, for the purposes of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party. 15 20

*Quality of Gas.*

10. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fourteen sperm candles, and shall in all respects be in accordance with the provisions of "The Gasworks Clauses Act, 1871." 25

*Price of Gas.*

11. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed six shillings and sixpence per one thousand cubic feet. 30

*Pressure of Gas.*

12. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height, at the main as near as may be to the junction therewith of the service pipe supplying such consumer. 35

*Testing of Gas.*

13. The Undertakers shall, within six months after passing of the Act confirming this Order, cause to be provided at their works a testing place, with apparatus therein, according to the provisions of "The Gasworks Clauses Act, 1871;" and the burner to be used for testing the gas shall be a Sugg's London Argand, No. 1, with a six-inch by a one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used, and any gas examiner appointed under 45

"The Gasworks Clauses Act, 1871," for the purposes of this Order, may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority. A.D. 1877.

*Miscellaneous.*

14. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was caused by an unavoidable cause or accident. No penalty in case of unavoidable cause.
15. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. Undertakers to pay interest on deposit.
16. Section 140 of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order; provided that, for the purpose of such incorporation, the expression "the Company" in the said section shall be construed to mean the Undertakers. 8 Vict. c. 16. s. 140. incorporated.
17. Any mains, pipes, or other works which under the authority of this Order the Undertakers may lay down or execute under or over any railway of the North-eastern Railway Company, shall be so laid down and executed and subsequently maintained and repaired under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of that Company, and in accordance with plans and sections previously submitted to and approved of by him. Protection of North-eastern Railway Company.
18. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the gasworks of or the supply of gas by the Undertakers. Saving of existing contracts.
19. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers. Costs of Order.

SCHEDULE.

GAS LANDS.

A plot of land belonging to the Undertakers, bounded on the north by a street called Broadbent Street, on the east by land belonging to Christopher Jackson, Esquire, on the west by the Cleveland Branch of the North Eastern Railway, and on the south by land belonging to or reputed to belong to the Reverend James Barrow.

A.D. 1877.

## GUISBROUGH GAS.

*Order conferring powers for the maintenance and continuance of Gasworks, and for the manufacture and supply of Gas, within the parish of Guisbrough in the North Riding of the county of York.*

5

Short title.

1. This Order may be cited as "The Guisbrough Gas Order, 1877."

Incorporation  
of Acts.

2. The provisions of "The Gasworks Clauses Act, 1847," and of "The Gasworks Clauses Act, 1871," are hereby incorporated with this Order, except where the same are expressly varied by this Order; and the said provisions shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order.

10

Interpretation.

3. The several words and expressions to which by the Acts incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings.

15

Limits of  
Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parish of Guisbrough and all townships and extra-parochial places, or any detached parts of townships, parishes, or extra-parochial places, lying within the boundaries of the said parish of Guisbrough in the north riding of the county of York.

20

*Undertakers.*

Undertakers.

5. John Hardcastle Bowman, David Baker, John Dunning, Elizabeth Duck, Joseph Whitwell Pease, Henry Pease, Arthur Pease, Alfred Kitching, Elizabeth Reade, Thomas Rawling, William Thompson, Robert Thompson, Sarah Ann Thompson, Thomas McLachlan, Margaret Weatherill, Henry Savile Clarke, William Hodgson, Margaret Ayre Eden, Annie Watt, William Walter Thomson, Thomas James Thomson, Henry Newton, and George Carrick, and the survivors and survivor of them, and the executors or administrators of such survivor, or their, his, or her assigns, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

25

30

Capital.

6. The share capital of the Undertakers for the purposes of their gas undertaking shall not exceed fifteen thousand pounds, unless the Undertakers shall be authorised to raise additional share capital by Provisional Order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament.

35

*Maintenance and Continuance of Gasworks, Manufacture and Sale of Gas, Coke, and Residual Products.* A.D. 1877.

7. The Undertakers, on the lands shown on the map deposited for the purposes of this Order, and described in the schedule to this Order annexed,  
5 may maintain and continue, and from time to time alter and enlarge, retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom; and they may, subject to the provisions of this Order, make gas, and supply and sell the  
10 same within the limits of supply, and may manufacture coal-tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere.

Undertakers may maintain and continue gasworks on lands described in schedule, and may make and sell gas, &c.

8. If any difference arise between the Undertakers and any railway, canal,  
15 or other company whose lands or works the Undertakers have power to cross, under the authority of this Order, for the purposes of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the  
20 Board of Trade at the request of either party.

Differences with railway and other companies.

*Quality of Gas.*

9. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fourteen sperm candles, and shall in all respects be in  
25 accordance with the provisions of "The Gasworks Clauses Act, 1871."

Quality of gas.

*Price of Gas.*

10. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed six shillings per one thousand cubic feet, and so in proportion for any less quantity supplied: Provided, nevertheless, that every fraction of one hundred feet may be charged as one hundred feet.  
30

Price of gas.

*Pressure of Gas.*

11. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of  
35 water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height, at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

Pressure of gas.

*Testing of Gas.*

40 12. The Undertakers shall, within six months after passing of the Act confirming this Order, cause to be provided at their works a testing place, with apparatus therein, according to the provisions of "The Gasworks Clauses Act, 1871;" and the burner to be used for testing the gas shall be a Sugg's London Argand, No. 1, with a six-inch by one-and-three-quarter-inch glass  
45 chimney, and if at any time the gas flame tails over the top of the glass a

Test meter.

A.D. 1877. six-inch by two-inch chimney shall be used, and any gas examiner appointed under "The Gasworks Clauses Act, 1871," for the purposes of this Order, may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any [street, road, 5 passage, or place vested in or under the control of any local or road authority.

*Miscellaneous.*

No penalty in case of unavoidable cause.

13. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such 10 insufficiency, defect, or excess was caused by an unavoidable cause or accident.

Undertakers to pay interest on deposit.

14. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five 15 pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Protection of North-eastern Railway Company.

15. Any mains, pipes, or other works which under the authority of this Order the Undertakers may lay down or execute under or over any railway of 20 the North-eastern Railway Company, shall be so laid down and executed and subsequently maintained and repaired under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of that Company, and in accordance with plans and sections previously submitted to and approved of by him. 25

Saving of existing contracts.

16. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the gasworks of or the supply of gas by the Undertakers.

Costs of Order.

17. All the costs, charges, and expenses of and incidental to the applying 30 for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

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**SCHEDULE.**

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**GAS LANDS.**

A piece of land now belonging to and occupied by the Undertakers, situate 35 at Guisbrough in the north riding of the county of York, containing by ad-measurement half an acre or thereabouts, and bounded on the north by Fountain Street, on the east running to a point at the junction of Fountain Street with the Guisbrough branch of the North-Eastern Railway Company's goods yard, on the west partly by a right-angled continuation of Fountain Street, 40 and partly by a foundry and premises belonging to Admiral Thomas Chaloner and in the occupation of John Sutherst, and on the south by the said branch railway.

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**A.D. 1877.**

## BRIDPORT WATER.

*Order empowering the Bridport Waterworks Company to raise  
Additional Capital.*

1. This Order may be cited as "The Bridport Water Order, 1877." Short title.
- 5 2. "The Bridport Waterworks Act, 1872," (in this Order referred to as "the Act of 1872,") and this Order shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Construction of Order.
- 10 3. So far as the same relate to the powers conferred by this Order, the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several matters following; (that is to say, Incorporation of Acts.
- The distribution of the capital hereby authorised into shares ;
- The transfer or transmission of shares ;
- 15 The payment of subscriptions and the means of enforcing payment of calls ;
- The forfeiture of shares for nonpayment of calls ;
- The remedies of the creditors of the Company against the shareholders ;
- The consolidation of shares into stock ;
- The general meetings of the Company, and the exercise of the right of voting by the shareholders ;
- 20 The making of dividends ;
- The borrowing of money by the Company on mortgage or bond ;
- The giving of notices, and the provisions for affording access to the special Act ;
- 25 and Part 1 (relating to cancellation and surrender of shares), and Part 2 (relating to additional capital), and Part 3 (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," and "The Waterworks Clauses Acts, 1847 and 1863," are, except where expressly varied by this Order, incorporated with and form part of this Order.
- For the purpose of such incorporation, the term "special Act" in the said
- 30 Acts shall be construed to mean this Order.
4. The Bridport Waterworks Company, incorporated by the Act of 1872, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers." Undertakers.

- 35 5. In addition to the capital already authorised to be raised by the Under- Additional  
takers, they may from time to time— capital.
1. Raise any further sums not exceeding in the whole eight thousand  
pounds by the issue of new shares, with a fixed preferential dividend  
of five pounds per centum per annum attached thereto, but not less  
40 than the full nominal amount of any such share shall be payable or paid  
in respect thereof: and

A.D. 1877.

2. Borrow on mortgage, in respect of the additional capital of eight thousand pounds by this Order authorised to be raised, any sums not exceeding in the whole two thousand pounds; but no part of the said sum of two thousand pounds shall be borrowed until the Undertakers shall have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such additional capital in respect of which such borrowing powers are sought to be exercised has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued *bonâ fide*, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Undertakers, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof. 5 10 15
- Shares not to be issued until one fifth part thereof paid up. 6. The Undertakers shall not issue any share under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share shall have been paid up in respect thereof. 20
- Calls. 7. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. 25
- Receipt in case of persons not *sui juris*. 8. If any money be payable to a shareholder being a minor, idiot, or lunatic, the receipt therefor of the guardian or committee of his estate shall be a sufficient discharge to the Undertakers. 30
- Votes of proprietors. 9. The proprietors of any shares created and issued under the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares would have entitled them to if the same had been original shares of the Undertakers; and the proprietors of such new shares shall, except as in this Order specially provided, be entitled to the same rights and privileges in all respects, and be subject to the same obligations and liabilities, as the proprietors of the original shares of the Undertakers. 35
- Priority of existing mortgages. 10. Every mortgage granted by the Undertakers under the authority of the Act of 1872 shall have priority over all mortgages and debenture stock granted and issued under this Order. 40
- Power to create debenture stock. 11. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by the Act of 1872 and this Order.

A.D. 1877.

12. All moneys raised under this Order shall be applied in the first instance to the payment of the debts of the Undertakers existing at the passing of the Act confirming this Order, and not secured by mortgage under the authority of the Act of 1872, and then to the purposes of the undertaking authorised  
5 by the Act of 1872.

Application of money.

13. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

Costs of Order.

### BURGESS HILL WATER.

10 *Order empowering the Burgess Hill and Saint John's Common Water Company, Limited, to construct and maintain water-works, and to supply water in the parish of Hurstpierpoint, in the county of Sussex.*

1. This Order may be cited as "The Burgess Hill and Saint John's Common  
15 Water Order, 1877."

Short title.

2. The Burgess Hill and Saint John's Common Water Order, 1871, (in this Order referred to as "The Order of 1871,") and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Construction of Order.

20 3. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters of the Undertaking) and "The Water-works Clauses Acts, 1847 and 1863," are hereby incorporated with this Order, except where the same are expressly varied by this Order.

Incorporation of Acts.

25 4. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings:

Interpretation.

30 Provided always, that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute.

5. The limits within which the provisions of this Order shall be in force and  
35 have effect (in this Order referred to as "the limits of supply,") shall be the parish of Hurstpierpoint, in the county of Sussex.

Limits of Order.

6. The Burgess Hill and Saint John's Common Water Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers," and shall have and may exercise, subject to  
40 the provisions of this Order, within the limits of supply all and the like powers,

Undertakers.



A.D. 1877. — privileges, and authorities for the supply of water, and be subject to all and the like duties, liabilities, and obligations in respect thereof as they now have and are subject to within the limits of supply as defined by the Order of 1871.

Power to lay  
mains and  
supply water.

7. The Undertakers may make and maintain in the line and according to the levels shown on the plans and sections deposited for the purposes of this Order (in this Order referred to as the deposited plans and sections), the works hereinafter described, with all needful pipes and other works connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply. 5

The works authorised by this Order are as follows: 10

The laying of water mains and pipes, and the fixing of hydrants in all or any of the roads in the parish of Hurstpierpoint:

The laying of water mains and pipes, and the fixing of hydrants in the following roads, namely:—

In the main road leading from Keymer to Hurstpierpoint, from the western boundary of the premises known as Oaklands, in the occupation of W. Brigden, Esq., to the western boundary of the parish of Clayton, and thence along the Hurstpierpoint Road, through the village of Hurstpierpoint, to the western boundary of the parish of Hurstpierpoint, near to the King's Head, Albourne: 15

In New Way Lane, from the junction thereof with the last-mentioned road, as far as the entrance lodge of Danny Park: 20

In the new turnpike road, from the junction thereof with the road through Hurstpierpoint, running north as far as Rose Cottages, thence turning southward, up White Horse Lane, to the point where the same joins the said Hurstpierpoint Road: 25

In the road running north from the Hurstpierpoint Road, at Lynton Villa, in the occupation of Mrs. Austen, from the junction thereof with the said Hurstpierpoint Road, past Hurst Wickham, to the north side of St. John's College. 30

In the main road running south by Washbrooks, from the junction thereof with the said Hurstpierpoint Road, as far as the junction thereof with the private road leading to Danny Park.

Limits of  
deviation.

8. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of the roads in which the same are constructed, and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding twenty feet. 35

Period for  
completion  
of works.

9. The works authorised by this Order shall be commenced, constructed, and completed within the time and subject to the conditions prescribed by section eleven of the Gas and Water Works Facilities Act, 1870: Provided always that, subject to the restrictions and provisions of this Order, the Undertakers may from time to time alter, enlarge, and extend their mains, pipes, and other works, in such way and manner as may be requisite or advisable for supplying water within the limits of supply. 40

Additional  
capital.

10. In addition to the share capital authorised by the Order of 1871, the Undertakers may from time to time raise additional share capital, not exceeding in the whole ten thousand pounds. 45

11. All monies raised under this Order shall be applied to the purposes of the Undertaking authorized by the Order of 1871 and this Order.

A.D. 1877.

Application of money.

12. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the supply of water by the Undertakers.

Saving of existing contracts.

13. The costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

Costs of Order.

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### RUTHIN WATER.

#### 10 *Order empowering the Ruthin Water Company to raise Additional Capital.*

1. This Order may be cited as The Ruthin Water Order, 1877.

Short title.

2. The Ruthin Water Act, 1868, and this Order, shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Construction of Order.

3. So far as the same relate to the powers conferred by this Order, the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several matters following, (that is to say)

Incorporation of Acts.

The distribution of the capital hereby authorised into shares ;

20 The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing payment of calls ;

The forfeiture of shares for nonpayment of calls ;

The remedies of the creditors of the Company against the shareholders ;

The consolidation of shares into stock ;

25 The general meetings of the Company, and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The borrowing of money by the Company on mortgage or bond ;

The giving of notices, and the provisions for affording access to the special Act ;

30 and Part 1 (relating to cancellation and surrender of shares), and Part 2 (relating to additional capital), and Part 3 (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," and "The Waterworks Clauses Acts, 1847 and 1863," are, except where expressly varied by this Order, incorporated with and form part of this Order.

35 For the purpose of such incorporation, the term "special Act" in the said Acts shall be construed to mean this Order.

4. The Ruthin Water Company incorporated by the Ruthin Water Act, 1868, shall be the Undertakers for the purposes of this Order, and are in this

Undertakers.

40 Order referred to as "the Undertakers."

A.D. 1877.

*Additional Capital.*Additional  
capital.

5. In addition to the capital already authorised to be raised by the Undertakers, they may from time to time—

1. Raise any further sums not exceeding in the whole three thousand two hundred pounds by the issue of new shares or new stock, either ordinary 5 or preference, or partly ordinary and partly preference, but not less than the full nominal amount of any such share or stock shall be payable or paid in respect thereof; and
2. Borrow on mortgage, in respect of the additional capital of three thousand two hundred pounds by this Order authorised to be raised by ordinary 10 or preference shares or stock, any sums not exceeding in the whole eight hundred pounds; and the Undertakers may, when sixteen hundred pounds of such additional capital has been issued and accepted, and one half thereof has been paid up, borrow on mortgage any sum or sums not exceeding in the whole four hundred pounds, and 15 when the remaining sum of sixteen hundred pounds of such additional capital has been issued and accepted, and one half thereof has been paid up, may borrow on mortgage any further sum or sums not exceeding in the whole four hundred pounds; but in no case shall any part of the said respective sums be borrowed until shares for 20 so much of that capital in respect of which such borrowing powers are sought to be exercised as is to be raised by means of shares are issued and accepted, and one half of such capital is paid up, and the Undertakers shall have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act, 1845, 25 before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so 30 much of the said additional capital as is to be raised by means of stock is fully paid up, and the Undertakers have proved to such justice as aforesaid, and before he so certifies, that such shares or stock, as the case may be, were issued bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, 35 successors, or assigns, and also, if the said capital is raised by shares, that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Undertakers, and of such other evidence as he shall think sufficient, he shall grant a certificate that 40 the proof aforesaid has been given, which shall be sufficient evidence thereof.

Shares not to  
be issued until  
one fifth part  
thereof paid up.

6. The Undertakers shall not issue any share under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share shall have 45 been paid up in respect thereof.

A.D. 1877.

7. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.
- 5 8. The proprietors of any shares or stock to be created and issued under the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of the Undertakers; and the proprietors of such new shares or stock shall, except as in this Votes of proprietors.
- 10 Order specially provided, be entitled to the same dividends and the same rights and privileges in all respects, and be subject to the same obligations and liabilities, as the proprietors of the original shares or stock of the Undertakers.
9. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or Power to create debenture stock.
- 15 authorised to be borrowed on mortgage by this Order.
10. Every mortgage granted by the Undertakers under the authority of the Ruthin Water Act, 1868, shall have priority over all mortgages and debenture stock granted and issued under this Order. Priority of existing mortgages.
11. The mortgagees of the Undertakers under this Order may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages, by the appointment of a receiver; and in order to authorize the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one hundred pounds in the whole. Appointment of a receiver.
- 20 12. The Undertakers shall not in any year make out of their profits any larger dividend on the additional share capital by this Order authorised to be raised than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid of such capital, or of any Limits of dividend on additional capital.
- 25 30 part thereof, as shall be issued as preference capital.
13. All moneys raised under this Order shall be applied in the first instance to the payment of any debts of the Undertakers existing at the passing of the Act confirming this Order, and not secured by mortgage under the authority of the Ruthin Water Act, 1868, and then to the purposes of the Undertaking Application of money.
- 35 authorised by the Ruthin Water Act, 1868, and this Order.
14. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers. Costs of Order.

A.D. 1877.

*Additional Capital.*Additional  
capital.

5. In addition to the capital already authorised to be raised by the Undertakers, they may from time to time—

1. Raise any further sums not exceeding in the whole three thousand two hundred pounds by the issue of new shares or new stock, either ordinary 5 or preference, or partly ordinary and partly preference, but not less than the full nominal amount of any such share or stock shall be payable or paid in respect thereof; and
2. Borrow on mortgage, in respect of the additional capital of three thousand two hundred pounds by this Order authorised to be raised by ordinary 10 or preference shares or stock, any sums not exceeding in the whole eight hundred pounds; and the Undertakers may, when sixteen hundred pounds of such additional capital has been issued and accepted, and one half thereof has been paid up, borrow on mortgage any sum or sums not exceeding in the whole four hundred pounds, and 15 when the remaining sum of sixteen hundred pounds of such additional capital has been issued and accepted, and one half thereof has been paid up, may borrow on mortgage any further sum or sums not exceeding in the whole four hundred pounds; but in no case shall any part of the said respective sums be borrowed until shares for 20 so much of that capital in respect of which such borrowing powers are sought to be exercised as is to be raised by means of shares are issued and accepted, and one half of such capital is paid up, and the Undertakers shall have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act, 1845, 25 before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so 30 much of the said additional capital as is to be raised by means of stock is fully paid up, and the Undertakers have proved to such justice as aforesaid, and before he so certifies, that such shares or stock, as the case may be, were issued bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, 35 successors, or assigns, and also, if the said capital is raised by shares, that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Undertakers, and of such other evidence as he shall think sufficient, he shall grant a certificate that 40 the proof aforesaid has been given, which shall be sufficient evidence thereof.

Shares not to  
be issued until  
one fifth part  
thereof paid up.

6. The Undertakers shall not issue any share under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share shall have 45 been paid up in respect thereof.

A.D. 1877.

7. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.
- 5    8. The proprietors of any shares or stock to be created and issued under the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of the Undertakers; and the proprietors of such new shares or stock shall, except as in this
- 10    Order specially provided, be entitled to the same dividends and the same rights and privileges in all respects, and be subject to the same obligations and liabilities, as the proprietors of the original shares or stock of the Undertakers. Votes of proprietors.
9. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or
- 15    authorised to be borrowed on mortgage by this Order. Power to create debenture stock.
10. Every mortgage granted by the Undertakers under the authority of the Ruthin Water Act, 1868, shall have priority over all mortgages and debenture stock granted and issued under this Order. Priority of existing mortgages.
11. The mortgagees of the Undertakers under this Order may enforce pay-
- 20    ment of arrears of interest or principal, or principal and interest, due on their mortgages, by the appointment of a receiver; and in order to authorize the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one hundred pounds in the whole. Appointment of a receiver.
12. The Undertakers shall not in any year make out of their profits any
- 25    larger dividend on the additional share capital by this Order authorised to be raised than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid of such capital, or of any
- 30    part thereof, as shall be issued as preference capital. Limits of dividend on additional capital.
13. All moneys raised under this Order shall be applied in the first instance to the payment of any debts of the Undertakers existing at the passing of the Act confirming this Order, and not secured by mortgage under the authority of the Ruthin Water Act, 1868, and then to the purposes of the Undertaking
- 35    authorised by the Ruthin Water Act, 1868, and this Order. Application of money.
14. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers. Costs of Order.

A.D. 1877.

## PICKERING GAS AND WATER.

*Order empowering the Pickering Gas and Water Company, Limited, to construct and maintain Gasworks and Waterworks, and to make and supply Gas and to supply Water within the Township of Pickering, in the County of York.*

5

- Short title. 1. This Order may be cited as "The Pickering Gas and Water Order, 1877."
- Incorporation of Acts. 2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters) are hereby incorporated with this Order, except where the same are expressly varied by this Order. 10
- Interpretation. 3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings : 15  
In this Order the expressions "deposited map," "deposited plans," and "deposited sections," used in relation to the Gas Undertaking or the Water Undertaking by this Order authorised, shall mean respectively the maps, plans, and sections relating to such Undertakings deposited for the purpose of this Order. 20
- Limits of Order. 4. The limits within which the provisions of this Order shall be in force and have effect (in this order referred to as "the limits of supply") shall be the township of Pickering, in the county of York.
- Undertakers. 5. The Pickering Gas and Water Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers." 25
- Capital. 6. The share capital of the Undertakers for the purposes of their Gas and Water Undertakings shall not exceed ten thousand pounds, unless they be here- 30  
after authorised to raise additional share capital by Provisional Order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament.

## PART I.

## GAS UNDERTAKING.

- Incorporation of Acts. 7. The provisions of "The Gasworks Clauses Act, 1847," and of "The Gasworks Clauses Act, 1871," are hereby incorporated with this part of this Order, except where the same are expressly varied by this part of this Order. 35

*Acquisition of Lands, &c.*

8. The Undertakers may, by agreement, purchase and use such of the lands shown on the deposited map, and described in the Schedule A. to this Order annexed, as may be required for the Gas Undertaking authorised by this part  
5 of this Order. A.D. 1877.  
Power to purchase land.

9. The Undertakers may from time to time purchase by agreement, and, subject to the provisions of section five of "The Gasworks Clauses Act, 1871," may hold for any of the purposes of this part of this Order, any land not exceeding five acres, in addition to the lands shown on the deposited map  
10 and described in the Schedule A. to this Order annexed. Additional land.

*Construction and Maintenance of Gasworks, Manufacture and Sale of Gas, Coke, and Residual Products.*

10. The Undertakers, on the lands shown on the deposited map and described in the Schedule A. to this Order annexed, when the same have been  
15 acquired by them, may erect and maintain, and from time to time alter and enlarge, retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom; and they  
20 may, subject to the provisions of this part of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coke, coal-tar, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas, and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere. And they may also  
25 construct a bridge or bridges over the Pickering Beck at or near the place shown on the deposited map as a means of communication between the said lands and Vivis Lane. Undertakers may erect and maintain gas-works on lands described in schedule, and may make and sell gas, &c.

*Quality of Gas.*

11. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light  
30 produced by fourteen sperm candles, and shall in all respects be in accordance with the provisions of "The Gasworks Clauses Act, 1871." Quality of gas.

*Price of Gas.*

12. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed seven shillings per one thousand cubic feet. And if  
35 at any time the Undertakers shall raise the price of gas above five shillings per one thousand cubic feet, and the Local Board of the township of Pickering shall give notice in writing to the Undertakers that they consider in the interests of the public that such increased price is too great, and if within two calendar months after the giving of such notice no agreement as to price shall have been  
40 come to between the said Local Board and the Undertakers, then the question of the price of gas shall be referred to arbitration in the manner provided by the Public Health Act, 1875, regard being had to any difference there may be between the price of coal and the cost of the manufacture of gas at the time of such arbitration and at the date of this Order. Price of gas.

[191.]

C



A.D. 1877.

*Pressure of Gas.*

Pressure of gas.

13. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height 5 at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

*Testing Gas.*

Testing of gas.

14. The Undertakers, before supplying gas under the authority of this Order, shall cause to be provided at their works a testing place with apparatus 10 therein, according to the provisions of "The Gasworks Clauses Act, 1871;" and the burner to be used for testing the gas shall be a Sugg's London argand, number one, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used; and any gas examiner appointed under "The 15 Gasworks Clauses Act, 1871," for the purposes of this part of this Order, may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority. 20

*General Provisions.*

No penalty in case of unavoidable cause.

15. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was caused by an unavoidable cause or accident. 25

Separate accounts to be kept in respect of Gas Undertaking.

16. The Undertakers shall keep separate annual accounts with respect to their Gas Undertaking, showing the amount of their paid-up capital in such Undertaking, and such accounts shall in all respects be in accordance with the provisions of the Gasworks Clauses Act, 1847, as amended by the Gasworks Clauses Act, 1871. 30

Undertakers to pay interest on deposit.

17. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way 35 of such security for every six months during which the same remains in their hands.

## PART II.

## WATER UNDERTAKING.

Incorporation of Acts.

18. The provisions of "The Waterworks Clauses Acts, 1847 and 1863," are hereby incorporated with this part of this Order, except where the same are 40 expressly varied by this part of this Order.

19. The expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this part of this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute :

A.D. 1877.  
Interpretation.

The term "premises" in this part of this Order shall mean and include any house, building, or land in, to, or through which water is supplied under the authority of this part of this Order.

20. The Undertakers may by agreement purchase and use such of the lands shown on the deposited plans as may be required for the Water Undertaking authorised by this part of this Order.

Undertakers may purchase lands by agreement.

21. The Undertakers shall not hold for the purposes of this part of this Order more than five acres of land, including the lands described in Schedule B. to this Order annexed.

Limit of land.

22. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid.

Undertakers may acquire easements, &c. by agreement.

#### *Construction of Waterworks.*

23. The Undertakers may, on lands described in Schedule B. to this Order annexed, when the same have been acquired by them, make and maintain, in the line and according to the levels shown on the deposited plans and deposited sections, the works herein-after firstly and secondly described, with all needful pipes, culverts, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith, and they may, subject to the provisions of this part of this Order, supply and sell water within the limits of supply.

Power to construct water-works and supply water.

24. The works authorised by this part of this Order are as follows:—

- (1.) A well and pumping station at Keldhead, in the township of Pickering:
- (2.) A service reservoir situate in the same township on lands belonging to and in the occupation of the Undertakers, bounded on the north by land belonging to Elizabeth Peirson, on the west and south by land belonging to Christopher Sheffield, and on the east by the high road leading from Pickering to Whitby:
- (3.) An aqueduct, conduit or line of pipes commencing at the said well, and terminating at the eastern end of the said reservoir:
- (4.) All needful pipes and other works for the collection, distribution, and supply of water by the said works.

24. In constructing the works authorised by this part of this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards.

Limits of deviation.

A.D. 1877.

Period for  
completion of  
works.

25. The works authorised by this part of this Order shall be commenced, constructed, and completed within the time and subject to the conditions prescribed by section eleven of the "Gas and Water Works Facilities Act, 1870:" Provided always, that, subject to the restrictions and provisions of this part of this Order, the Undertakers may from time to time alter, enlarge, 5 and extend their engines, machinery, tanks, wells, pipes, reservoirs, and other works, in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

*Quality of Water.*Quality of  
water.

26. The water supplied by the Undertakers shall be as pure as, having 10 regard to the source and nature of supply, circumstances will admit.

*Supply.*Limits of  
pressure.

27. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoir or works authorised by this part of this Order, nor need the water be 15 constantly laid on under pressure.

Rates for  
supply for  
domestic pur-  
poses.

28. The Undertakers shall, at the request of the owner or occupier of any dwelling-house, or part of a dwelling-house, entitled under the provisions of this part of this Order to demand a supply of water for domestic purposes (which shall include one watercloset), furnish to such owner or occupier a sufficient 20 supply of water for such domestic purposes, at rates not exceeding the rates per annum herein-after specified; (that is to say,)

If the rack-rent or (if not let as a rack-rent) the annual value of the house or part of a house does not amount to four pounds per annum, the rate of eight shillings and eightpence per annum, and so on in proportion for 25 any shorter period;

If such rack-rent or (as the case may be) annual value amounts to four pounds but does not amount to seven pounds per annum, the rate of twelve shillings per annum, and so in proportion for any shorter period;

If such rack-rent or (as the case may be) annual value amounts to seven 30 pounds but does not amount to ten pounds per annum, the rate per annum of sixteen shillings, and so in proportion for any shorter period;

If such rack-rent or (as the case may be) annual value amounts to ten pounds but does not amount to fifteen pounds per annum, the rate of twenty-four shillings per annum, and so in proportion for any shorter period; 35

If such rack-rent or (as the case may be) annual value amounts to fifteen pounds but does not amount to twenty pounds per annum, the sum of thirty-two shillings per annum, and so in proportion for any shorter period;

If such rack-rent or (as the case may be) annual value amounts to and exceeds 40 twenty pounds per annum, the rate of seven pounds ten shillings per centum per annum upon such rack-rent or annual value, as the case may be, and so in proportion for any shorter period.

Rates for  
waterclosets  
and baths.

29. The Undertakers may charge in respect of every watercloset beyond the first in any premises within the limits of supply an additional sum not ex- 45 ceeding ten shillings per annum, and for every bath an additional sum not exceeding twelve shillings and sixpence per annum, and for and in respect of

each horse consuming water supplied by the Undertakers at the rate of ten shillings per annum, and such additional sums may be received with, and as part of, or recovered by the same means as the rate for the supply of water for domestic purposes: Provided always, that for baths containing as usually

5 filled for use a greater quantity of water than fifty gallons the Undertakers may charge an increased rate in proportion to the size of such baths.

30. The Undertakers may from time to time supply any person, corporation, or company with water for other than domestic purposes, and any person, corporation or company beyond the limits of supply with water in bulk for any

10 purpose, for such remuneration and upon such terms and conditions as shall be agreed upon between the Undertakers and such person, corporation, or company; but notwithstanding any such agreement no person, corporation, or company shall be entitled to such a supply whenever and as long as the Undertakers

are of opinion that the same would interfere with the proper supply of water

15 within the limits of supply for domestic purposes under this part of this Order: Provided always, that nothing herein contained shall authorise the Undertakers to lay down or place any pipe or conduit, or to break up any road or street, or

execute any work beyond the limits of supply, or to supply water within the limits of supply of any water company, or of any person or persons empowered

20 by Act of Parliament or by any Order confirmed by Parliament to supply water.

31. The Undertakers may, if they think fit, enter into agreements for the supply of water by measure to any consumer, and may charge a rent for each meter provided by them at a rate per annum not exceeding fifteen per cent. of the price of the meter, such rent to be paid quarterly in advance, and to be

25 recoverable in all respects with and as the water rate.

32. The Undertakers shall at all times, at their own expense, keep all meters or other instruments for measuring water let by them for hire to any consumer in proper order for correctly registering the supply of water; and in default of their so doing the consumer shall not be liable to pay rent for the same during

30 such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove, test, inspect, and replace any such meter or other instrument at all reasonable times.

33. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity

35 of water consumed and in respect of which any water rent is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices,

who may also order by which of the parties the costs of the proceedings before

40 them shall be paid, and the decision of such justices shall be final and binding on all parties.

34. Section forty-four of "The Waterworks Clauses Act, 1847," shall, for the purposes of this part of this Order, have effect as if the words "with the

45 "consent in writing of the owner or reputed owner of any such house, or of the agent of such owner," were omitted therefrom: Provided always, that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

A.D. 1877.

Water supplied  
by agreement.

Supply of  
water by meter.

Undertakers  
to keep meters  
in repair.

Register of  
meters to be  
evidence.

Amendment of  
10 & 11 Vict.  
c. 17. s. 44.

**A.D. 1877.** 35. When several houses or parts of houses in the occupation of several persons shall be supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Undertakers by a distinct pipe: Provided always, that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such building, house, and premises. 5

When several houses supplied by one pipe, each to pay.

Supply of water to tenements in a row. 36. Where there are several tenements in a row no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Undertakers to any other such tenement, unless the tenant or occupier be in respect of the tenement so occupied by him rated under this part of this Order for a supply of water. 10

#### Penalties.

15

Impurity of water. 37. If on any day the water supplied by the Undertakers is of less purity than it ought to be according to the provisions of this part of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds: Provided that no penalty shall be incurred in any case in which it is proved that the defect in purity was occasioned by an unavoidable cause or accident. 20

Injuring meters.

38. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any meter or fittings belonging to the Undertakers, or who fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained, and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of water supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such injury, alteration, or prevention, or for abstracting, consuming, or using water of the Undertakers, when such pipe, meter, or fittings is or are under the custody or control of the consumer, shall be *prima facie* evidence that such injury, alteration, prevention, abstraction, or consumption, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter. 25 30 35 40

Misuser where supply to several houses is by a pipe common to all.

39. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement, or allows the same to be used contrary to the provisions of this part of this Order, shall for every such offence be liable to a penalty not exceeding five pounds. 45

*Miscellaneous.*

A.D. 1877.

40. In case any consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him, the Undertakers shall not be  
5 entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.
41. The Undertakers shall keep separate annual accounts with respect to  
10 their Water Undertaking, showing the amount of their paid-up capital in such Undertaking, and such accounts shall in all respects be in accordance with the provisions of the Waterworks Clauses Act, 1847.
42. Any summons or warrant issued for any of the purposes of this Order  
15 may contain, in the body thereof or in the schedule thereto, several names and several sums.
43. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the  
20 warrant of distress for the recovery of such money.
44. No justice or judge of any county court or quarter session shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.
- Incoming tenant not liable to pay arrears.
- Separate accounts to be kept in respect of Water Undertaking.
- Several names in one summons.
- Warrant of distress to include costs.
- Liability to water rate not to disqualify justices from acting.

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PART III.

25      GENERAL PROVISIONS APPLYING TO GAS AND WATER UNDERTAKINGS.

45. If any difference arises between the Undertakers and any railway, canal, or other company whose land or works it may be necessary or convenient to cross for the purposes of meeting the demands for gas or water within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their  
30 pipes or conduits, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.
46. The Undertakers shall lay down and subsequently maintain and repair any pipes, culverts, or other works which under the authority of this Order they  
35 may lay down under or over any railway of the North-Eastern Railway Company, and make and execute all excavations and works necessary for that purpose, under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of that Company, and in accordance with plans and sections previously submitted to and approved of by him.
- 45      47. Section one hundred and forty of "The Companies Clauses Consolidation Act, 1845," shall be and is hereby incorporated with this Order: Provided that, for the purposes of such incorporation, the expression "the Company" in the said section shall mean the Undertakers.
- As to pipes crossing the works of a railway or other company.
- Works affecting North-Eastern Railway Company to be done under inspection of their engineer.
- Section 140 of Companies Clauses Act, 1845, incorporated.

[191.]

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A.D. 1877. 48. All the costs, charges, and expenses of and incidental to the applying  
Costs of Order. for, preparing, obtaining, and confirming this Order, and otherwise in relation  
thereto, shall be paid by the Undertakers.

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SCHEDULE A.

GAS LANDS.

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A piece of land situate in the township and parish of Pickering, in the county of York, occupied by the Undertakers, and bounded on the north by a branch of the Pickering Beck, on the west by the Pickering Beck, and on the south and east by land belonging to the North-Eastern Railway Company.

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SCHEDULE B.

10

SITES FOR THE WATERWORKS.

*Pumping Station.*

A piece of land situate at Keldhead in the township and parish of Pickering, in the county of York, occupied by the Undertakers, bounded on the north by the high road leading from Pickering to Marton, on the west in part by 15 the Keldhead Spring, and in other part by property of Frank Parkinson, and on the south and east by other property of the said Frank Parkinson.

*Service Reservoir.*

A piece or parcel of land situate in the township and parish of Pickering, in the county of York, occupied by the Undertakers, bounded on the north by 20 land belonging to Elizabeth Pierson, on the west and south by land belonging to Christopher Sheffield, and on the east by the high road leading from Pickering to Whitby.





**Gas and Water Orders  
Confirmation  
(Brotton, &c.) [H.L.]**

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A

**B I L L**

INTITLED

An Act for confirming certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Brotton Gas, Guisbrough Gas, Bridport Water, Burgess Hill Water, Ruthin Water, and Pickering Gas and Water.

(*Brought from the Lords 7 June 1877.*)

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*Ordered, by The House of Commons, to be Printed,  
8 June 1877.*

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[Bill 191.]

*Under 4 oz.*

A

# B I L L

TO

Amend the General Police and Improvement (Scotland) Act, 1862. A.D. 1877.

**W**HEREAS it is expedient to amend in certain respects the  
General Police and Improvement (Scotland) Act, 1862 :

25 & 26 Vict.  
c. 101.

Be it enacted by the Queen's most Excellent Majesty, by and  
with the advice and consent of the Lords Spiritual and Temporal,  
5 and Commons, in this present Parliament assembled, and by the  
authority of the same, as follows :

1. This Act may be cited for all purposes as "The General Police  
and Improvement (Scotland) Act, 1862, Amendment Act, 1877,"  
and shall apply to Scotland only.

Title and  
extent of  
Act.

10 2. The recited Act and "The General Police and Improvement  
(Scotland) Act, 1862, Amendment Act," and this Act, shall be read  
and construed together.

Construction  
of Act.

3. "Court of Session" and "Court" shall mean either Division  
of the Inner House of the Court of Session or the Lord Ordinary  
15 officiating on the bills in the time of vacation.

Interpreta-  
tion clause.

4. Wherever in any burgh, the boundaries of which have been  
determined in terms of the recited Act, it has, either before or after  
the passing of this Act, from a failure to observe any of the pro-  
visions of the recited Act, or from any other cause, become impossible  
20 to proceed with the adoption or execution of the said Act within  
such burgh, the following provisions shall have effect :

Court of  
Session may  
make orders  
to facilitate  
adoption or  
execution of  
recited Act.

1. It shall be lawful for any *seven* householders within the burgh  
to present a petition to the Court of Session, setting forth the  
failure which has taken place to observe the provisions of the  
25 recited Act, or other cause which has made it impossible to proceed  
with its adoption or execution, and praying the Court to pronounce  
an order in terms of this Act as herein-after mentioned.

[Bill 164.]

A

A.D. 1877.

2. The petition shall be intimated in the Edinburgh Gazette, and in such other manner as the Court shall appoint.

3. Upon resuming consideration of the petition, with or without answers, and after receiving such evidence as they shall require, the Court may pronounce any order which in their judgment will enable the proceedings for the adoption or execution of the recited Act within such burgh to be continued as nearly as possible as if the said failure to observe the provisions of the said Act, or other cause, had not taken place; and such order shall be final, and shall be recorded in the Sheriff Court books of the county within which such burgh is situate. 5 10

4. As soon as any directions contained in the said order of the Court shall have been complied with, the proceedings for the adoption or execution of the recited Act within such burgh may proceed as nearly as possible in the same manner and with the same incidents as if the said failure to observe the provisions of the said Act, or other cause, had not taken place. 15

5. The Court may pronounce any order as to expenses of the petition and the proceedings following thereon, and as to the persons or assessments against which they shall be chargeable; and such order shall be final. 20



**General Police and  
Improvement (Scotland)  
Act (1862) Amendment.**

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A

**B I L L**

To amend the General Police and Improvement (Scotland) Act, 1862.

*(Prepared and brought in by  
Sir William Anstruther, Sir William  
Cunninghame, and Mr. Ramsay.)*

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*Ordered, by The House of Commons, to be Printed  
11 May 1877.*

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[Bill 164.]  
*Under 1 oz.*

A

# B I L L

## INTITULED

An Act to confirm a Provisional Order under "The A.D. 1877.  
General Police and Improvement (Scotland) Act, 1862,"  
relating to the Burgh of Dumbarton.

**W**HEREAS the Secretary of State for the Home Department,  
being one of Her Majesty's Principal Secretaries of State,  
has under the provisions of "The General Police and Improvement  
(Scotland) Act, 1862," duly made the Provisional Order which is  
5 contained in the schedule to this Act annexed, and it is provided  
by the said Act that no such Order shall be of any validity unless  
the same has been confirmed by Act of Parliament, and it is  
expedient that the said Order should be so confirmed :

Be it enacted by the Queen's most Excellent Majesty, by and  
10 with the advice and consent of the Lords Spiritual and Temporal,  
and Commons, in this present Parliament assembled, and by the  
authority of the same, as follows :

1. The Provisional Order contained in the schedule to this Act  
annexed shall be and is hereby confirmed, and all the provisions  
15 thereof shall, from and after the passing of this Act, be as valid  
and have the like force and effect as if the same were specially  
enacted in this Act. Confirmation  
of Provisional  
Order.

2. This Act may be cited as "The General Police and Improve- Short title.  
ment (Scotland) Act, 1862, Order Confirmation (Dumbarton) Act,  
20 1877."

A.D. 1877.

S C H E D U L E.

DUMBARTON BURGH.

*General Police and Improvement (Scotland) Act, 1862.*

(25 & 26 Vict. cap. 101.)

Whereas by the General Police and Improvement (Scotland) Act, 1862, it 5  
is, inter alia, provided (Clause 79) that whenever it appears desirable to the  
magistrates and council or commissioners of police of any royal or parliamentary  
burgh, or to the commissioners for executing that Act in any burgh, that pro-  
vision should be made in order the better to apply and execute therein the  
provisions of the said Act in whole or in part, or for the future application and 10  
execution of any Acts in force therein having relation to the purposes of that  
Act, or to any other matter or thing connected with the management and  
administration of the municipal or police affairs of such burgh, or that any such  
Acts or any exemptions from rating therefrom derived should be wholly or 15  
partially repealed or altered, the magistrates and council, or the commissioners  
of such burgh, may present a petition to one of Her Majesty's Principal  
Secretaries of State, praying for such provision, repeal, and alteration as afore-  
said, or for any of such things; and that, after such inquiry as the said  
Secretary of State may direct, it shall be lawful for him to issue a Provisional  
Order, under his hand and seal of office, in relation to the several things men- 20  
tioned in such petition, either in accordance with the prayer thereof, or with  
such modifications or alterations as may appear to him to be requisite, and  
obtain confirmation of such Provisional Order by Act of Parliament.

And whereas the General Police and Improvement (Scotland) Act, 1862,  
has, in pursuance of the provisions of that Act, been adopted in the royal burgh 25  
of Dumbarton.

And whereas the provost, magistrates, and town council of the said burgh  
have presented a petition to me as one of Her Majesty's Principal Secretaries  
of State, setting forth that by the Dumbarton Corporation Gas Works, Pier,  
&c., Act, 1873 (herein-after called the Act of 1873), the said provost, 30  
magistrates, and town council were authorised (inter alia) to make and maintain  
on the foreshore of the River Clyde on the south side of Dumbarton Castle  
a pier and road of approach thereto, and all rails, cranes, weighing machines,  
storehouses, and other works and conveniences connected therewith, and to  
dredge, scour, and deepen the bed and foreshore of the River Clyde adjoining 35  
and approaching the said pier, and were authorised to levy rates on, from, and  
in respect of persons or carriages, goods and articles, landed or embarked,  
shipped or unshipped, received or delivered at the said pier or road of approach,  
and for the use of warehouses and transit sheds, cranes, and weighing machines;  
and were authorised to borrow for the purposes of the said pier and road of 40  
approach any money not exceeding six thousand pounds on the security of the

rates herein-before mentioned; and were required from time to time, in the event of there being a deficiency of funds in their hands for payment (inter alia) of the interest on any money borrowed under the powers of the said Act, or of the sinking funds by the said Act prescribed, to levy a rate, to be called the  
5 Dumbarton Corporation guarantee rate, of such amount as should be necessary to make good such deficiency; that the said provost, magistrates, and town council have constructed the said pier and road of approach to the great convenience of the inhabitants of the burgh of Dumbarton, but the cost of the construction thereof and of rendering the same available for steam and other  
10 vessels has in consequence of the greatly increased price of materials and labour, and the large amount of dredging which has proved requisite, considerably exceeded the amount at which it was estimated at the time of the application for the Act of 1873, and the moneys which the said provost, magistrates, and town council were authorised by that Act to borrow for the purposes of the  
15 said pier and road of approach are insufficient to defray the cost thereof, and the said provost, magistrates, and town council are indebted in various sums on account of such cost.

And whereas it has been represented to me in the said petition that it is expedient that the said provost, magistrates, and town council should be  
20 authorised to borrow, for the purposes of the said pier and road of approach, an additional sum of money upon security of the said pier rates and Dumbarton Corporation guarantee rate, and that with that object the Act of 1873 should be altered.

And whereas due inquiry having been directed and held in respect of the  
25 matters mentioned in the said petition, I have resolved to issue a Provisional Order in the terms herein-after expressed.

Now, therefore, in pursuance of the powers vested in me by the General Police and Improvement (Scotland) Act, 1862, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, direct as  
30 follows:

1. From and after the time of the passing of the Act confirming this Order, the forty-fifth section of the Act of 1873 shall be read as if the words twelve thousand pounds had been inserted therein instead of the words six thousand pounds; and the forty-seventh section of that Act shall be construed as if the  
35 costs, charges, and expenses of and incident to the preparing for, obtaining, and confirming this Order, were part of the cost of constructing the pier and road of approach.

2. All mortgages granted by the provost, magistrates, and town council of the burgh of Dumbarton for securing money borrowed under the provisions of  
40 the forty-fifth and forty-sixth sections of the Act of 1873, and subsisting at the time of the passing of the Act confirming this Order, shall have priority over all mortgages granted by the said provost, magistrates, and town council, under the provisions of the said sections for securing money borrowed after the passing of the Act confirming this Order.

45 Given under my hand and seal at Whitehall this fourth day of May one thousand eight hundred and seventy-seven.

(L.S.) RICH. ASSHETON CROSS.



**General Police and  
Improvement (Scotland)  
Provisional Order Con-  
firmation (Dumbarton).**

**[H.L.]**

**A**

**B I L L**

**INTITLED**

An Act to confirm a Provisional Order  
under "The General Police and Im-  
provement (Scotland) Act, 1862,"  
relating to the Burgh of Dumbarton.

*(Brought from the Lords 21 June 1877.)*

*Ordered, by The House of Commons, to be Printed,  
21 June 1877.*

**[Bill 208.]**

*Under 1 oz.*

A

B I L L

TO

Confirm a Provisional Order under “The General Police and Improvement (Scotland) Act, 1862,” relating to the Royal Burgh of Glasgow. A.D. 1877.

**W**HEREAS the Secretary of State for the Home Department, being one of Her Majesty’s Principal Secretaries of State, has under the provisions of “The General Police and Improvement (Scotland) Act, 1862,” duly made the Provisional Order which is  
5 contained in the schedule to this Act annexed, and it is provided by the said Act that no such Order shall be of any validity unless the same has been confirmed by Act of Parliament, and it is expedient that the said Order should be so confirmed :

Be it enacted by the Queen’s most Excellent Majesty, by and  
10 with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The Provisional Order contained in the schedule to this Act annexed shall be and is hereby confirmed, and all the provisions  
15 thereof shall, from and after the passing of this Act, be as valid and have the like force and effect as if the same were specially enacted in this Act. Confirmation  
of Provi-  
sional Order.

2. This Act may be cited as “The General Police and Improve- Short title.  
ment (Scotland) Act, 1862, Order Confirmation (Glasgow) Act,  
20 1877.”

A.D. 1877.

## SCHEDULE.

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### GLASGOW.

*The General Police and Improvement (Scotland) Act, 1862.*

(25 & 26 Vict. cap. 101.)

WHEREAS by "The General Police and Improvement (Scotland) Act, 1862," 5  
it is, *inter alia*, enacted (section 79) that, "whenever it appears desirable to  
" the magistrates and council or commissioners of police of any royal or  
" parliamentary burgh, or to the commissioners for executing this Act in any  
" burgh or populous place, that provision should be made in order the better  
" to apply and execute therein the provisions of this Act, in whole or part, or 10  
" for the future application and execution of any Acts in force therein having  
" relation to the purposes of this Act, or to the roads or streets within such  
" burgh or populous place, or to any other matter or thing connected with  
" the management and administration of the municipal or police affairs of  
" such burgh or populous place, or that any such Acts, or any exemptions 15  
" from rating therefrom derived, or that any Provisional Order or Order in  
" Council applying this Act, hereby authorised to be made, should be wholly  
" or partially repealed or altered: Or whenever it appears desirable to the  
" magistrates and council of any royal or parliamentary burgh where there is  
" a board of commissioners of police separate from such magistrates and 20  
" council to unite the municipal and police government and jurisdiction of  
" any such royal or parliamentary burgh in the magistrates and council  
" thereof, to transfer to them all the powers and jurisdictions of police,  
" paving, lighting, watching, and others, granted to the commissioners of  
" police by any Local Acts, and to extend such jurisdictions over the whole 25  
" limits of such burgh:" The magistrates and council "may present a  
" petition to one of Her Majesty's Principal Secretaries of State, praying  
" for such provision, repeal, and alteration as aforesaid, or for any of such  
" things, and such petition shall be supported by such evidence as the said  
" Secretary requires:" 30

And whereas there is in the city and royal burgh of Glasgow a board of  
police, constituted a body corporate under the name and style of "The Board  
of Police of Glasgow," separate from the magistrates and council of the said  
city and burgh, which board of police is appointed and acts under and in  
virtue of the following local acts now in force, viz. :—(1) The Act 29 & 30 Vict. 35  
cap. 273, intituled "An Act to regulate the Police and Statute Labour of the  
City of Glasgow, and for other purposes," and the short title of which Act

is "The Glasgow Police Act, 1866;" (2) The Act 35 & 36 Vict. cap. 41 A.D. 1877.

intituled "An Act to extend the Municipal Boundaries of the City of Glasgow, to regulate the office of the Town Clerk, and for other purposes," and the short title of which Act is "The Glasgow Municipal Act, 1872;"

- 5 (3) The Act 36 Vict. cap. 38, intituled "An Act to enable the Board of Police of Glasgow to make and maintain new streets and other improvements in the City of Glasgow," and the short title of which Act is "The Glasgow Police Act, 1873;" (4) The Act 38 Vict. cap. 53, intituled "An Act to enable the Board of Police of Glasgow to make and maintain a new Street in the City of
- 10 Glasgow, and to confirm an Agreement relative thereto," and the short title of which Act is "The Glasgow Police Act, 1875;" and (5) The Act 40 & 41 Vict. cap. intituled "An Act to enable the Board of Police of Glasgow to effect certain Street and other Improvements in the City of Glasgow, to raise further moneys, to acquire additional lands, and for other purposes," and the
- 15 short title of which Act is "The Glasgow Police Act, 1877," and by which last-mentioned Act it is enacted that "The Glasgow Police Act, 1866," and "The Glasgow Municipal Act, 1872," (in so far as the said Act alters the constitution of the board and confers further powers and jurisdiction thereon), and "The Glasgow Police Act, 1873," and "The Glasgow Police Act,
- 20 1875," and "The Glasgow Police Act, 1877," may be cited together as "The Glasgow Police Acts, 1866, 1872, 1873, 1875, and 1877:"

And whereas a petition under the provisions of the said General Police and Improvement (Scotland) Act has been addressed to me as one of Her Majesty's Principal Secretaries of State by the Lord Provost, magistrates, and council

25 of the said city and royal burgh of Glasgow under their corporate seal, praying that after the inquiry directed by the statute a Provisional Order may be issued uniting the municipal and police government and jurisdiction of the said city and royal burgh in the magistrates and council thereof, and transferring to them the several powers and jurisdictions of police and others,

30 granted to the said board of police by "The Glasgow Police Acts, 1866, 1872, 1873, 1875, and 1877:"

And whereas the foresaid petition further prays that certain parts of "The Glasgow Police Act, 1866," "The Glasgow Municipal Act, 1872," "The Glasgow Police Act, 1873," "The Glasgow Police Act, 1875," and "The

35 Glasgow Police Act, 1877," therein set forth should be repealed or amended, and that provision should otherwise be made to regulate the future application and execution of the said Acts:

And whereas the foresaid petition further prays that certain parts of "The Glasgow Corporation Water Works Act, 1855," therein set forth should be

40 repealed, and that provision should otherwise be made for regulating the future application and execution of the said Act, and of "The Glasgow Corporation Waterworks Amendment Act, 1859," "The Glasgow Corporation Waterworks Amendment Act, 1860," "The Glasgow Corporation Waterworks Amendment Act, 1865," "The Glasgow Corporation Waterworks Amendment

45 Act, 1866," "The Glasgow Corporation Waterworks Amendment Act, 1873," and "The Glasgow Corporation Waterworks Amendment Act, 1877."

A.D. 1877.      And whereas due inquiry has been directed and held in respect of the matters mentioned in the said petition :

Now therefore, in pursuance of the powers vested in me by the said General Police and Improvement (Scotland) Act, 1862, I, as one of Her Majesty's Principal Secretaries of State, do by this Provisional Order under my hand and seal of office, direct that from and after any Act of Parliament confirming the same,—

(1.) The Municipal and Police Government and Jurisdiction of the city and royal burgh of Glasgow shall be united in the magistrates and council thereof :

(2.) The parts of "The Glasgow Police Act, 1866," set forth in the Schedule hereunto annexed shall be repealed ; and as regards the other parts of the said Act and "The Glasgow Municipal Act, 1872," and "The Glasgow Police Act, 1873," and "The Glasgow Police Act, 1875," and "The Glasgow Police Act, 1877," in so far as not hereby amended, the whole powers, authority, and jurisdictions of police and others granted to and vested in the board of police by the said Acts, and by any Acts with the said Acts incorporated, or by any other Act of Parliament, shall be, and the same are hereby transferred to and vested in the magistrates and council of the said city and royal burgh, who shall thenceforward have and exercise the whole powers, authority, and jurisdictions foresaid, and perform the whole duties and obligations and fulfil all contracts incumbent on the said board of police : and in construing "The Glasgow Police Act, 1866," "The Glasgow Municipal Act, 1872," "The Glasgow Police Act, 1873," "The Glasgow Police Act, 1875," and "The Glasgow Police Act, 1877," or any Act or the Schedule to any Act in which "the board of police of Glasgow" are referred to, the expressions "the board of police of Glasgow," or "the board," or other similar expression, shall (except when the context is repugnant thereto) be read as if the expression "the magistrates and council" had been inserted instead thereof ; and when the word "undertaker" in any Act, incorporated with the said Acts, is held by the said Acts to mean or include the board of police, the said word shall instead mean or include the magistrates and council ; and the word "promoters," or "commissioners," in any such incorporated Act shall also mean or include the said magistrates and council.

(3.) The whole lands and heritages, assessments, claims, demands, rights, properties, and effects of every kind, heritable or moveable, belonging to or vested in the board of police of Glasgow, or in any person on their behalf, under and in virtue of "The Glasgow Police Acts, 1866, 1872, 1873, 1875, and 1877," (but subject to any liabilities which legally attach thereto), shall become vested in and shall belong to the magistrates and council for the purposes of the said Acts, as fully and effectually to all intents and purposes as if the same had been formally and particularly conveyed to and vested in them, with full power, right, and authority to the magistrates and council to levy, adjudge, sue for, and recover the same :

(4.) All mortgages, bonds, assignations, leases, grants, conveyances and other deeds or securities, made or granted to or by the board of police of

Glasgow, or to which they have acquired right, and all claims for annual or other payments for which they are liable, under or by virtue or in pursuance of "The Glasgow Police Acts, 1866, 1872, 1873, 1875, and 1877," and all contracts and agreements entered into with them, and all judgments or decreets arbitral pronounced in any suit or arbitration to which they were a party, shall be good, valid, and effectual to all intents and purposes, and may be enforced by or against the magistrates and council to the same extent and effect as they might have been enforced by or against the board of police of Glasgow : A.D. 1877.

- 10 (5.) All rates and assessments, fines, penalties, and expenses imposed under or by virtue or in pursuance of "The Glasgow Police Acts, 1866, 1872, 1873, 1875, and 1877," and remaining unpaid, may be levied and recovered by the magistrates and council, or the officers appointed by them, in the same way and by the same means as they would have been recoverable by the board of  
15 police of Glasgow or the officers appointed by them if this Order and the Act confirming the same had not been passed, and when so levied and recovered shall be applied by the magistrates and council to and for the purposes of "The Glasgow Police Acts, 1866, 1872, 1873, 1875, and 1877" :

- (6.) All actions, suits, and proceedings, and all arbitrations to which the  
20 board of police of Glasgow, or the officers appointed or acting under "The Glasgow Police Acts, 1866, 1872, 1873, 1875, and 1877," were parties when the Act confirming this Order is passed, may be proceeded with by or against the magistrates and council or the corresponding officers appointed by or acting under the magistrates and council under "The Glasgow Police Acts,  
25 1866, 1872, 1873, 1875, and 1877," without the necessity of intimating such action, suit, proceeding, or arbitration, or making them respectively formally parties thereto :

- (7.) Notwithstanding the transfer of the powers, authority, and jurisdictions of the board of police of Glasgow to the magistrates and council, the assessors,  
30 procurator-fiscal, clerk, treasurer, surveyor, collector, chief constable, master of works, inspector, and other officers appointed by the board of police, in pursuance of "The Glasgow Police Acts, 1866, 1872, 1873, 1875, and 1877," or continued in office under the same, and who may at the time of the said transfer be employed by the board of police, shall severally continue to exercise  
35 their respective offices, and shall receive their respective salaries and emoluments under and from the magistrates and council, upon the same terms as to period of appointment and otherwise, as they exercised and received the same respectively under and from the board of police before the said transfer, and all bonds or securities for the acts and intromissions of such  
40 officers, granted to the board of police of Glasgow, shall from and after the passing of the Act confirming this Order be enforceable by the magistrates and council :

- (8.) The books, register of mortgages and other registers, lists of ratepayers, accounts, and other documents and vouchers of the board of police of Glasgow,  
45 and the minutes of proceedings of the board, and their committees, and sub-committees, shall be deemed the books, registers, lists, accounts, documents,

**A.D. 1877.** vouchers, and minutes of the magistrates and council and their committees, and shall receive effect in the same way, and to the same extent as they would have done in any question or proceeding to which the board of police of Glasgow might have been parties if the Act confirming this Order had not been passed :

5

(9.) The several accounts of the pecuniary transactions of the magistrates and council, as in place of the board of police, shall be kept distinct from those of the affairs of the corporation of the city and of the other trusts under the administration of the magistrates and council, and shall be closed, balanced, audited, reported on, inspected, and annually published in the way 10 and manner prescribed by "The Glasgow Police Act, 1866," as hereby amended :

(10.) Nothing herein contained shall confer or impose upon the town-clerk of Glasgow the right, duty or obligation, to act as clerk or agent of the magistrates and council in relation to the administration of "The Glasgow 15 Police Acts, 1866, 1872, 1873, 1875, and 1877," nor affect in any respect (except in so far as is herein expressly authorised), the rights, duties, and obligations of the magistrates and council or of the town-clerk of Glasgow under "The Glasgow Municipal Act, 1872" and the existing arrangement between them. But the magistrates and council may, from time to time, 20 anything in "The Glasgow Police Act, 1866," and in "The Glasgow Municipal Act, 1872," to the contrary notwithstanding, enter into such arrangements with the present or any future town-clerk as they may think proper, under which the said town-clerk may by himself, or by his deputies or assistants, act as such clerk or agent, or perform such other business connected with the 25 police of the city, as the magistrates and council may intrust to him.

(11.) Section 18 of the "Glasgow Police Act, 1866," is hereby amended to the effect of substituting for the word "seven" the word "fourteen."

(12.) Section 67 of the "Glasgow Police Act, 1866," is hereby amended to the effect of substituting for the words "a procurator-fiscal, who may, if appointed 30 " by the board, act as their clerk," the following words, "one or more procurators-fiscal of police, or one procurator-fiscal of police and one or more " assistant procurators-fiscal of police, and a procurator-fiscal of the Dean of " Guild Court which last named shall act exclusively in all cases before the " said court for the enforcement of the provisions of 'The Glasgow Police 35 " Acts, 1866, 1872, 1873, 1875, and 1877,' and any Acts amending the same ; " Provided always that one person may be appointed to the office of pro- " curator-fiscal or assistant procurator-fiscal of police and also of procurator- " fiscal of the Dean of Guild Court." And in construing 'The Glasgow Police Act, 1866,' "The Glasgow Municipal Act, 1872," "The Glasgow Police Act, 40 1873," "The Glasgow Police Act, 1875," and "The Glasgow Police Act, 1877," the expression "the procurator-fiscal" wherever used therein shall mean the procurator-fiscal or any one of the procurators-fiscal or assistant procurators-fiscal appointed under the provisions of "The Glasgow Police Act, 1866," as hereby amended, and the expression "the fiscal" wherever used therein shall 45 mean any one of such procurators-fiscal or assistant procurators-fiscal or

other persons authorised to act as procurator-fiscal in the absence of the procurator-fiscal, or of any procurator-fiscal, or assistant procurator-fiscal. A.D. 1877.

(13.) In the event of more than one procurator-fiscal of police being appointed under the provisions of "The Glasgow Police Act, 1866," as hereby amended or of one procurator-fiscal of police and one or more assistant procurators-fiscal of police being so appointed, the magistrates' committee appointed under the said Act may, from time to time, assign to each procurator-fiscal of police, or assistant procurator-fiscal of police, the police court or police courts in which he shall give ordinary attendance and perform the duties of the office: Provided always, that in the absence of the procurator-fiscal of police, or assistant procurator-fiscal of police from the court to which he may have been so assigned, his duties may be performed by any of the other procurators-fiscal of police or assistant procurators-fiscal of police. Any assistant procurator-fiscal of police so appointed may, in the absence of the procurator-fiscal of police, if only one procurator-fiscal of police is appointed, or in the absence of any procurator-fiscal of police, if more than one is appointed, act in his stead and name: and in the absence of a procurator-fiscal of police or assistant procurator-fiscal of police, the chief constable, or any superintendent or lieutenant, may act in the stead and name of the procurator-fiscal of police, either at the first or at any adjourned diet, but the procurator-fiscal of police shall not be responsible for his acts.

(14.) The provisions of "The Petroleum Act, 1871," (34 & 35 Vict., c. 104), and of "The Explosives Act, 1875" (38 Vict. c. 17), in so far as they confer on the town council of the city and royal burgh of Glasgow the power to grant licenses, and otherwise to carry into effect the provisions of the said Acts, shall be exercised by the magistrates' committee appointed under "The Glasgow Police Act, 1866," as hereby amended, and the said committee shall also have and possess as regards the said Acts all the powers conferred upon them by "The Glasgow Police Act, 1866," with reference to the Act 23 & 24 Vict. c. 139.

(15.) Sections 275, 276, 295, 303, 309, 322, 325, 341, 380, 381, 382, and 383 of "The Glasgow Police Act, 1866," shall hereafter be read as if the words "the procurator-fiscal of the Dean of Guild Court appointed by the magistrates and council" were substituted for the words, "the procurator-fiscal," wherever the latter words are used therein.

(16.) For the purpose of executing the provisions of "The Sale of Food and Drugs Act, 1875," within the city and royal burgh of Glasgow, the term "sheriff" in the 33rd Section of the said Act shall include the "police magistrate of the city and royal burgh appointed under the provisions of the Act 38 & 39 Vict. c. 81."

(17.) Section 8. of "The Glasgow Corporation Waterworks Act, 1855," (18 & 19 Vict. c. 118), is hereby repealed, and from and after the passing of the Act confirming this Order, the magistrates and council of the city of Glasgow, as commissioners appointed under the said Act, shall have power



A.D. 1877. at any meeting, from time to time, to appoint a committee of their own number for transacting the business of the commissioners, or such portion thereof as they may specially define; and the commissioners may name a convener, and sub-convener, and fix the quorum of such committee, and may continue, alter, or discontinue such committee. And the committee so appointed may appoint sub-committees of their number. And the minutes and proceedings of such committee or sub-committees shall be reported to the commissioners at such time and in such manner as the commissioners may from time to time direct. And wherever the expression "water committee," or "the committee," is used in "The Glasgow Corporation Waterworks Act, 1855," "The Glasgow Corporation Waterworks Amendment Act, 1859," "The Glasgow Corporation Waterworks Amendment Act, 1860," "The Glasgow Corporation Waterworks Amendment Act, 1865," "The Glasgow Corporation Waterworks Amendment Act, 1866," "The Glasgow Corporation Waterworks Amendment Act, 1873," and "The Glasgow Corporation Waterworks Amendment Act, 1877," the same shall be held to mean the committee appointed under the provisions hereof.

(18.) Notwithstanding the provisions of the Act passed in the third and fourth years of the reign of King William the Fourth, chapter seventy-six, and the other Acts relating to municipal elections in burghs in Scotland, it shall be sufficient that the notices of the annual municipal elections in the burgh of Glasgow shall be affixed to or near the door of the cathedral church of St. Mungo within the said burgh, and that they be also inserted at least once in one of the newspapers published in Glasgow; and the appointment by the Lord Provost or senior magistrate for the time being of the said burgh of Glasgow immediately before any annual municipal election therein of legal substitutes to preside at the polling places, and of persons to officiate as poll clerks in the several wards at such elections shall be valid, notwithstanding such Lord Provost or senior magistrate shall have respectively ceased to hold office after the making of such appointments, and before the elections in respect of which such appointments were made.

#### SCHEDULE referred to in SECTION 2 of this ORDER.

##### *The Glasgow Police Act, 1866.*

(29 & 30 Vict. cap. 273.)

Section 4, in so far as it defines the meaning of the expressions "the procurator-fiscal," and "the fiscal." 35

Section 6, in so far as it vests the general power and duty of carrying into effect the objects and purposes of the Act in, and appoints the same to be performed by "The Board of Police of Glasgow," and in so far also as it provides that they shall not appoint to any office under them any of the town-clerks or the chamberlain of the city of Glasgow. 40

Sections 7, 8, 9, and 10.

[40 VICT.] *General Police and Improvement (Scotland)*  
*Provisional Order Confirmation (Glasgow).*

9

Section 12, the words "provided one of the magistrates be a member of each such committee." A.D. 1877.

Section 13, the words, "as *ex officio* members of the board."

Section 19.

5 Section 27, the words "and to each member of the town council of Glasgow."

Section 89.

Given under my hand and Seal at Whitehall, this fourteenth day of  
June, One thousand eight hundred and seventy-seven.

(L.S.) RICH. ASSHETON CROSS.

**General Police and Improvement (Scotland) Provisional Order Confirmation (Glasgow).**

A

**B I L L**

To confirm a Provisional Order under  
“The General Police and Improvement (Scotland) Act, 1862,” relating  
to the Royal Burgh of Glasgow.

*(Prepared and brought in by  
The Lord Advocate and Sir Henry  
Selwyn-Ibbetson.)*

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*Ordered, by The House of Commons, to be Printed,  
21 June 1877.*

[Bill 210.]

*Under 2 oz.*

A  
B I L L

TO

Confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burgh of Leith. A.D. 1877.

**W**HEREAS the Secretary of State for the Home Department, being one of Her Majesty's Principal Secretaries of State, has under the provisions of "The General Police and Improvement (Scotland) Act, 1862," duly made the Provisional Order which is  
5 contained in the schedule to this Act annexed, and it is provided by the said Act that no such Order shall be of any validity unless the same has been confirmed by Act of Parliament, and it is expedient that the said Order should be so confirmed :

Be it enacted by the Queen's most Excellent Majesty, by and  
10 with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The Provisional Order contained in the schedule to this Act annexed shall be and is hereby confirmed; and all the provisions  
15 thereof shall, from and after the passing of this Act, be as valid and have the like force and effect as if the same were specially enacted in this Act. Confirmation  
of Provi-  
sional Order.

2. This Act may be cited as "The General Police and Im-  
provement (Scotland) Act, 1862, Order Confirmation (Leith) Act,  
20 1877." Short title.

A.D. 1877.

## S C H E D U L E.

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### LEITH.

*The General Police and Improvement (Scotland) Act, 1862.*

(25 & 26 Vict. cap. 101.)

WHEREAS by the General Police and Improvement (Scotland) Act, 1862, 5  
it is, inter alia, enacted (Section 79) that "whenever it appears desirable to  
"the magistrates and council or commissioners of police of any royal or  
"parliamentary burgh, or to the commissioners for executing this Act in any  
"burgh or populous place, that provision should be made in order the better  
"to apply and execute therein the provisions of this Act, in whole or part, 10  
"or for the future application and execution of any Acts in force therein  
"having relation to the purposes of this Act, or to the roads or streets within  
"such burgh or populous place, or to any other matter or thing connected  
"with the management and administration of the municipal or police affairs 15  
"of such burgh or populous place, or that any such Acts, or any exemptions 15  
"from rating therefrom derived, or that any Provisional Order or Order in  
"Council applying this Act, hereby authorised to be made, should be wholly  
"or partially repealed or altered; or whenever it appears desirable to the  
"magistrates and council of any royal or parliamentary burgh where there  
"is a board of commissioners of police separate from such magistrates and 20  
"council to unite the municipal and police government and jurisdiction of  
"any such royal or parliamentary burgh in the magistrates and council  
"thereof, to transfer to them all the powers and jurisdictions of police, paving,  
"lighting, watching, and others, granted to the commissioners of police by  
"any Local Acts, and to extend such jurisdictions over the whole limits of such 25  
"burgh, the magistrates and council, or the commissioners of any burgh,  
"may present a petition to one of Her Majesty's Principal Secretaries  
"of State, praying for such provision, repeal, and alteration as aforesaid, or  
"for any of such things, and such petition shall be supported by such evidence  
"as the said Secretary requires:" 30

And whereas there is, in the Burgh of Leith, a board of commissioners of  
police (herein-after called the commissioners) separate from the magistrates  
and council of the said burgh, which commissioners are appointed and act  
under the following Acts, wholly or partially in force therein, viz :—(1.) The  
Act 11 and 12 Victoria, cap. 123, intituled "An Act to provide for the Municipal 35  
"and Police Government of the Burgh of Leith, and for other purposes relating  
"thereto," and the short title of which Act is "The Leith Municipal and  
"Police Act, 1848"; (2.) "The General Police and Improvement (Scotland)

“ Act, 1862 ”; (3.) The Act 26 and 27 Victoria, cap. 60, intituled “ An Act to  
“ confirm a certain Provisional Order under the General Police and Improve-  
“ ment (Scotland) Act, 1862, relating to the Burgh of Leith,” and the short  
title of which Act is “ The General Police and Improvement (Scotland) Sup-  
5 “ plemental Act, 1862,” which Act, inter alia, altered and repealed several  
parts of “ The Leith Municipal and Police Act, 1848 ”; and (4.) “ The General  
“ Police and Improvement (Scotland) Act, 1862, Amendment Act,” herein-  
after referred to as the recited Acts :

And whereas a petition under the provisions of “ The General Police and  
10 “ Improvement (Scotland) Act, 1862,” has been addressed to me, as one of  
Her Majesty’s Principal Secretaries of State, by the provost, magistrates,  
and council of the said burgh of Leith, under their corporate seal, praying  
that, after the inquiry directed by the statute, a Provisional Order may be  
issued uniting the municipal and police government and jurisdiction of the  
15 said burgh in the magistrates and council thereof, and transferring to them  
the several powers and jurisdictions of police and others granted to the said  
commissioners by the recited Acts :

And whereas the foresaid petition further prays that provision should be  
made in order the better to apply and execute therein the provisions of the  
20 recited Acts, so far as in force, and for the repeal of part of “ The Leith  
“ Municipal and Police Act, 1848 ”:

And whereas due inquiry has been directed and held in respect of the  
matters mentioned in the said petition :

Now, therefore, in pursuance of the powers vested in me by the said  
25 General Police and Improvement (Scotland) Act, 1862, I, as one of Her  
Majesty’s Principal Secretaries of State, do, by this Provisional Order under  
my hand and seal of office direct that, as regards the burgh of Leith, from  
and after any Act of Parliament confirming this Order,—

1. The following words shall have the meanings hereby ascribed to  
30 them:

The words “ General Police Act ” in this Order mean the General Police  
and Improvement (Scotland) Act, 1862, and also where necessary include  
the General Police and Improvement (Scotland) Supplemental Act, 1862  
35 (26 & 27 Vict. cap. 60), and the General Police and Improvement (Scot-  
land) Act, 1862, Amendment Act (31 & 32 Vict. cap. 102), and except as  
herein or therein otherwise expressly provided the words and expressions  
herein used shall have and bear the meanings severally assigned to them  
in the said General Police Act :

The words “ burgh surveyor ” or “ surveyor,” in the General Police Act  
40 and this Order, mean the surveyor of paving, drainage, and other works,  
appointed by the commissioners or the magistrates and council.

2. The municipal and police government and jurisdiction of the burgh of  
Leith shall be united in the magistrates and council thereof.

3. The part of the Leith Municipal and Police Act, 1848, set forth in the  
45 Schedule hereunto annexed shall be repealed ; and as regards the other parts  
of the said Act and the General Police and Improvement (Scotland) Act,

A.D. 1877. 1862, and the General Police and Improvement (Scotland) Supplemental Act, 1862, and the General Police and Improvement (Scotland) Act, 1862, Amendment Act, in so far as not hereby amended, the whole powers, authority, and jurisdictions of police and others granted to and vested in the commissioners by the said Acts, and by any Acts incorporated therewith, or by any other Act of Parliament, shall be and the same are hereby transferred to and vested in the magistrates and council of the said burgh of Leith, who shall thenceforward, as part of the ordinary business of the magistrates and council, exercise the whole powers, authority, and jurisdiction aforesaid, and perform the whole duties and obligations and fulfil all contracts incumbent on the said commissioners. And in construing the recited Acts or any Act or the Schedule to any Act in which the commissioners are referred to, the expression "the commissioners," or other similar expression, shall (except when the context is repugnant thereto) be read as if the expression "the magistrates and council" had been inserted instead thereof; and when the word "undertaker" in any Act incorporated with the said Acts is held by the said Acts to mean or include the commissioners, the said word shall instead mean or include the magistrates and Council; and the word "promoters" or "commissioners" in any such incorporated Act shall also mean or include the said magistrates and council.

4. The whole lands and heritages, assessments, claims, demands, rights, properties, and effects of every kind, heritable and moveable, belonging to or vested in the commissioners, or in any person on their behalf, under and in virtue of the recited Acts (but subject to any liabilities to which the same are legally liable), shall become vested in and shall belong to the magistrates and council for the purposes of the said Acts, as fully and effectually to all intents and purposes, as if the same had been formally and particularly conveyed to and vested in them, with full power, right, and authority to the magistrates and council to levy, adjudge, sue for, and recover the same.

5. All mortgages, bonds, assignations, leases, grants, conveyances, or other deeds or securities, made or granted to or by the commissioners or to which they have acquired right, and all claims for annual or other payments for which they are liable, and all contracts and agreements entered into with them, and all judgments or decreets arbitral pronounced in any suit or arbitration to which they were a party, shall be good, valid, and effectual to all intents and purposes, and may be enforced by or against the magistrates and council to the same extent and effect as they might have been enforced by or against the commissioners.

6. All rates and assessments, fines, penalties, and expenses imposed under or by virtue or in pursuance of the recited Acts, and remaining unpaid, may be levied and recovered by the magistrates and council, or the officers appointed by them, in the same way and by the same means as they would have been recoverable by the commissioners or the officers appointed by them if this Order and the Act confirming the same had not been passed, and when so levied and recovered shall be applied by the magistrates and council to and for the purposes of the recited Acts.

A.D. 1877.

7. All actions, suits, and proceedings, and all arbitrations to which the commissioners, or the officers appointed or acting under the recited Acts, were parties when the Act confirming this Order is passed, may be proceeded with by or against the magistrates and council, or the officers  
5 appointed by or acting under the magistrates and council under the recited Acts, without the necessity of intimating such action, suit, proceeding, or arbitration, or making them respectively formally parties thereto.

8. The former books and other registers, accounts, and other documents  
10 and vouchers of the commissioners, and the minutes of proceedings of the commissioners, and their committees and sub-committees, shall be deemed the books, registers, accounts, documents, vouchers, and minutes of the magistrates and council and their committees, and shall receive effect in the same way and to the same extent as they would have done in any question  
15 or proceeding to which the commissioners might have been parties if the Act confirming this Order had not been passed.

9. The several accounts of the pecuniary transactions of the magistrates and council, as in place of the commissioners, shall be kept distinct from those of the affairs of the burgh and of the other trusts under the adminis-  
20 tration of the magistrates and council, and shall be closed, balanced, audited, reported on, inspected, and annually published in the way and manner prescribed by the Acts at present regulating the same.

10. All minutes and entries in the council records, or other minute books of the magistrates and council, or of any committees appointed by them,  
25 shall come in place of the records of the proceedings of the commissioners, and their committees, directed by the said Acts to be kept, and any copy or extract therefrom authenticated by the signature of the town clerk, shall be received as evidence in all courts whatsoever, in any case or matter concerning the said Acts, or this Order, or the Act of Parliament confirming this  
30 Order.

11. The magistrates and council may, from time to time, cause the houses and other buildings in the burgh to be marked by the surveyor or other person with such numbers as they think fit, and in case such numbers become obliterated or are defaced may renew the same, or mark such houses and  
35 buildings with such other numbers as they consider proper, and may charge the expenses thereby incurred against the police assessment; or the magistrates and council may cause such numbers to be marked or renewed as the case may require.

12. Whereas by clause 168 of the General Police Act it is provided that  
40 the owner of every house or building in, adjoining, or near to any street, public or private, shall put up and keep in good condition a shoot or trough of the whole length of such house or building to carry off the rain water from the same, and it is necessary for public comfort and convenience that such shoots should be made both at the front and back of such houses  
45 or buildings, as also at the sides thereof, the said clause shall be and is

[211.]

A 3



**A.D. 1877.** hereby amended as regards the burgh of Leith to the extent and effect that it shall be read as if it had provided that the owners of all premises shall put up and keep in good condition rhones or gutters thereon in positions to the satisfaction of the surveyor.

13. Whereas doubts exist as to the power of the commissioners to 5  
provide means of ventilation for existing sewers or drains, and to assess for  
the expense incurred in so doing, and it is expedient that such doubts be  
removed: The magistrates and council are hereby authorised and required  
from time to time to provide efficient means of ventilation of the existing  
sewers or drains, or of such sewers or drains as are authorised to be con- 10  
structed, and to enlarge, extend, alter, improve, repair, and ventilate such  
sewers or drains as they may from time to time consider necessary; and if  
for completing any works required in the execution of this provision it be  
found necessary to carry them upon, into, or through any inclosed or other  
private premises, the magistrates and council shall have and may exercise 15  
the whole powers of every description, and be liable to the conditions and  
restrictions which are by the General Police Act provided with reference to  
the construction of sewers or drains; and all costs and expenses which may  
be incurred by the magistrates and council in carrying this provision into  
effect shall form a charge against the "General Sewer Rate," or against any 20  
"Special Sewer Rate" which in their opinion may be properly liable therefor:  
Provided that the magistrates and council may, if they think fit, resolve  
that the same shall be charged, and they are hereby empowered to charge the  
same, against the Police Assessment.

14. In all houses or buildings to be hereafter erected within the burgh 25  
the water-closets shall be placed in such a position therein, and so constructed  
as to ventilate, by window, into the open air; and all persons failing so to  
ventilate such water-closets shall be liable in a penalty not exceeding forty  
shillings for every day during which the default is continued, besides being  
bound to alter the building so as to comply with this provision. 30

15. The occupiers of every house, flat, or storey entered by a common stair  
or passage shall cause their landing places and also the stair and passages  
immediately below, leading to the flat or storey possessed or occupied by  
them, and all areas connected therewith, to be swept, washed, and cleansed  
at least once a week; and if any flat or storey of the tenement be unoccupied, 35  
the occupiers of the flat or storey above shall cause the landing places of,  
and the stairs and passages immediately below leading to, such empty flat  
or storey, to be swept and washed at least once a week downwards to the  
next house which shall be occupied, or to the street; and the passages from  
the bottom of the stair, the landing places and the steps to the street, shall 40  
be swept and washed weekly by the occupiers of the house or flat nearest  
the said landing place or bottom of the stair; and all areas, common passages,  
and stairs leading to cellars or other premises situate on or below the level of  
the street flat, shall be cleansed weekly by the occupiers of the cellars or other  
premises in the same, or by parties having a right to use or who shall use 45

such areas, passages, or stairs; and every person offending herein shall for each offence be liable to a penalty not exceeding forty shillings; and if there be more than one occupier on the same flat or storey, each occupier shall sweep, wash, and cleanse such landing places, stairs, passages, and areas, 5 week about by turns: Provided that it shall be lawful, under a like penalty, to compel owners or parties having charge of property to cleanse out cellars and apartments which may be unoccupied. A.D. 1877.

16. The owners of premises in or entering from common stairs shall keep the steps, landing places, and passages in such common stairs in a proper 10 state of repair, and provide and keep in proper repair rails at the side of such stairs, to the satisfaction of the surveyor, and when required by him shall fence, in such manner as he shall direct, all windows in such common stairs; and any owner who fails so to keep such steps, landing places, and passages, or to provide or keep in proper repair such rails, or to fence such windows as 15 aforesaid, after notice served on him by the surveyor, shall be liable in a penalty not exceeding five pounds; and the magistrates and council may cause such steps, landing places, or passages to be properly repaired, or such rails to be provided or repaired, or such windows to be securely fenced, and the expense thereof shall be recovered in the same manner as a private 20 improvement assessment.

17. The outside windows of dwelling-houses which may hereafter be erected shall be constructed so that the same may be opened to the extent of at least one fourth of the size of each window, and the owner of any such dwelling-house who shall fail so to construct any window after being required 25 by the magistrates and council or their surveyor so to do, shall be liable to a penalty not exceeding forty shillings, and a further penalty not exceeding ten shillings for each day during which he shall fail so to construct such window.

18. The owners of all common stairs and common passages which may 30 hereafter be constructed shall provide proper means of lighting the same, where practicable, by means of windows or skylights, or otherwise, to the satisfaction of the surveyor, and any owner failing so to do when required by the magistrates and council or their surveyor shall be liable to a penalty not exceeding forty shillings; and the magistrates and council may cause such 35 means of lighting to be provided, and the expense thereby incurred shall be recoverable as a private improvement assessment.

19. The magistrates and council may, from time to time, cause to be put up, at, or upon the rails, or in or upon the walls of buildings, or elsewhere in the streets, public or private, as they think proper, index plates showing 40 the positions of the fire-plugs, in such streets or other places, or may indicate, by painting or other mode upon the walls of such buildings, the position of such fire-plugs, without being liable to any claim for compensation for so doing; and any person who shall cause any obstruction to the putting up of such plates or painting, or who shall pull down, deface,

8                    *General Police and Improvement (Scotland) [40 VICT.]*  
                      *Provisional Order Confirmation (Leith).*

A.D. 1877.       or destroy any such plate or painting, shall be liable in a penalty not exceeding forty shillings for each offence.

20. The owner or person in charge of any hackney carriage who shall convey in such carriage any dead body, except in cases of sudden death from accident or otherwise, shall be liable in a penalty not exceeding five 5 pounds, and, failing payment, be liable to imprisonment for any period not exceeding sixty days.

21. Clauses 126, 149, 170 to 181, both inclusive, 212, 215, and 279 of the General Police Act shall, as regards the burgh of Leith, be read and construed so that the word "street" or "streets" used therein shall include 10 streets public or private; and the paragraph in clause 3 of the General Police Act interpreting the expression "private street" shall, as regards the burgh of Leith, be read as if the words "used by carts and" were omitted therefrom.

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SCHEDULE referred to in Section 8 of the foregoing Order.

THE LEITH MUNICIPAL AND POLICE ACT, 1848. 15

Section 30, in so far as it provides that the magistrates and council shall keep or cause to be kept a separate book or books applicable to each of the several trusts which may be under their management, in which shall be engrossed the whole proceedings and transactions had in regard to them 20 respectively.

Given under my hand and seal at Whitehall this fourteenth day of June  
One thousand eight hundred and seventy-seven.

(L.S.)       RICH. ASSHETON CROSS.



**General Police and Improvement (Scotland) Provisional Order Confirmation (Leith).**

A

**B I L L**

To confirm a Provisional Order under  
“The General Police and Improvement (Scotland) Act, 1862,” relating  
to the Burgh of Leith.

*(Prepared and brought in by  
The Lord Advocate and Sir Henry  
Selwin-Ibbetson.)*

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*Ordered, by The House of Commons, to be Printed,  
21 June 1877.*

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[Bill 211.]  
*Under 2 oz.*

**LORDS AMENDMENT**  
**TO THE**  
**GENERAL POLICE AND IMPROVEMENT (SCOT-**  
**LAND) PROVISIONAL ORDER CONFIRMA-**  
**TION (LEITH) BILL.**

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*Note.—The page and line refer to the Bill (137.) as first printed  
by the Lords.*

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*Page 1.*

Line 20, at the end of clause 2. add (“and the General Police  
“ and Improvement (Scotland) Supplemental Act, 1863.’”)

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[Bill 258.]

# LORDS AMENDMENT

TO THE

GENERAL POLICE AND IM-  
PROVEMENT (SCOTLAND)  
PROVISIONAL ORDER CON-  
FIRMATION (LEITH) BILL.

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*Ordered, by The House of Commons, to be Printed,  
20 July 1877.*

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[Bill 258.]

*Under 1 oz.*

A

# B I L L

## INTITULED

An Act to confirm a Provisional Order of one of Her Majesty's Principal Secretaries of State for the Improvement of unhealthy Areas in the Parliamentary Burgh of Greenock. A.D. 1877.

**W**HEREAS the Right Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, has made the Provisional Order set forth in the Schedule hereunto annexed under the provisions of the Artizans and Labourers Dwellings Improvement  
5 (Scotland) Act, 1875 :

And whereas it is requisite that the said Order should be confirmed by Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and  
10 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The Order set out in the Schedule hereunto annexed is hereby confirmed.

2. This Act may be cited as the Greenock Improvement Pro-  
15 visional Order Confirmation Act, 1877.

Provisional  
Order in  
Schedule  
confirmed.  
Short title.



## SCHEDULE.

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A.D. 1877.]

*Artizans and Labourers Dwellings Improvement (Scotland)  
Act, 1875.*

### PARLIAMENTARY BURGH OF GREENOCK IMPROVEMENT.

5

#### PROVISIONAL ORDER.

WHEREAS the Board of Police of Greenock being the Local Authority under the said Act for the Parliamentary Burgh of Greenock presented to me, the Right Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, a Petition praying that an Order might be made confirming a scheme prepared by the said Board, under the above-mentioned Act, for the improvement of certain areas situated within the said burgh: 10

And whereas a copy of the said scheme and of the estimates by which it was accompanied is annexed to this Order:

And whereas on consideration of the said Petition and on proof of the publication of the proper advertisements, and of the service of the proper notices, I thought fit to proceed with the case, and directed a local inquiry to be made by Mr. George Cunningham in or in the vicinity of the areas to which the scheme relates, for the purpose of ascertaining the correctness of the official representations made to the said Board of Police as to the areas, and the sufficiency of the scheme provided for their improvement, and any local objections to be made to such scheme: 15 20

And whereas before commencing such inquiry the said George Cunningham made public by advertisement his intention to make such inquiry, and stated the time and place at which he would be prepared to hear all the persons desirous of being heard on the subject thereof, in accordance with the provisions of section sixteen of the above-mentioned Act: 25

And whereas the said George Cunningham has reported to me in favour of the said scheme, subject to certain qualifications mentioned in his report:

And whereas the population of the working class occupying the areas comprised in the said scheme is estimated at 2,700, and proper accommodation will be provided for that number by the said scheme: 30

And whereas an agreement has been made to the following effect :

A.D. 1877.

AGREEMENT of FEU

BETWEEN

5 Sir Michael Robert Shaw Stewart, of Greenock and Blackhall, Baronet, Her Majesty's Lieutenant for the County of Renfrew, herein-after called the first party,

and

10 The Board of Police of Greenock, incorporated by Act of Parliament, as the Local Authority under "The Public Health (Scotland) Act, 1867," within and for the Parliamentary Burgh of Greenock, herein-after called the second parties.

Whereas in virtue of the powers and provisions of "The Artizans and Labourers Dwellings Improvement (Scotland) Act, 1875," the second parties have made an improvement scheme for certain areas or lands situated within the said burgh of  
15 Greenock, and shown on the plans deposited with reference to the said scheme in November 1876, and they have presented a Petition to one of Her Majesty's Secretaries of State praying that an Order may be made confirming the said scheme: And whereas a portion of the lands forming the area marked K and coloured yellow on the said plan, and the other lands herein-after mentioned, belong to the first party, and the second  
20 parties have applied to him to feu the said portion and other lands to them for the purposes of the said scheme: And whereas the first party has agreed to feu the said lands to the second parties on the terms and subject to the conditions herein-after mentioned, therefore the first and second parties have agreed and do hereby agree as follows; viz. :—

25 First. The first party agrees to feu to the second parties, and the second parties agree to take in feu from the first party: In the first place, all and whole the lands lying on the south and north sides of Dempster Street of Greenock forming the said area marked K and coloured yellow on the fore-said plan, a copy of which is signed with reference hereto, excepting the portions of the said  
30 lands which have been feued to the Greenock Joiners Building Society, Daniel Monro, joiner in Greenock, and the Water Trust of Greenock, which portions as well as the site of Dempster Street aforesaid are not hereby agreed to be feued: And, In the second place, all and whole the lands coloured pink on the said plan, and bounded by the said area K on the north, by the first party's lands on the south,  
35 by Mount Pleasant Street on the west, and by lands feued to the said Water Trust on the east.

Second. There shall be erected on the said lands hereby agreed to be feued along the north and south lines of Dempster Street aforesaid tenements of stone and slated dwelling-houses for the accommodation of persons of the working class  
40 displaced in consequence of the carrying out of the said improvement scheme, and cellars and washing-houses for such dwelling-houses, provided that such dwelling-houses shall not be of greater height above the level of the said street than three square storeys; but there may be attics in the roof thereof, and there shall be no sunk dwelling-houses therein, and each tenement shall be internally subdivided  
45 into twelve separate dwellings or possessions, eight of which dwellings or possessions shall consist of two rooms each, and the remaining four thereof shall consist of one room each.

Third. The entry of the second parties to the said lands shall be at Martinmas next, 1877, and they shall pay therefor to the first party, or his heirs, for each year of

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*Greenock Improvement Provisional [40 & 41 VICT.]  
Order Confirmation.*

A.D. 1877.

- the first four years, a modified feu duty at and after the rate of five shillings per pole, beginning the first year's payment of the said feu duty at Martinmas 1878 for the year preceding, and so forth at Martinmas yearly thereafter until Martinmas 1881 inclusive, when the said modified feu duty shall cease; and from and after the said term of Martinmas 1881 the permanent yearly feu duty to be paid 5  
by the second parties to the first party and his foresaids shall be at and after the rate of seven shillings per pole, beginning payment of the first year's feu duty at this last-mentioned rate at Martinmas 1882 for the year preceding, and so forth at Martinmas yearly thereafter in all time coming: Provided always, that in the event of the lands hereby agreed to be feued or any part thereof being sold or 10  
disposed of to any third party or parties for the purpose of erecting thereon the tenements and other buildings mentioned in article second hereof, the yearly feu duty to be thereafter paid to the first party and his foresaids for the lands so sold or disposed of shall be at the rate of seven shillings per pole commencing at the first Martinmas after sale or disposal, and so forth thereafter at Martinmas yearly. 15
- Fourth. The other terms and conditions of feu shall be those specified in the printed general conditions hereunto annexed, in so far as not inconsistent herewith or hereby altered, which printed general conditions shall be read as if they were applicable only to the lands hereby agreed to be feued.
- Fifth. Such portions of the lands hereby agreed to be feued as are not required for 20  
the purpose of erecting the tenements of dwelling-houses herein-before referred to may be disposed of by the said second parties, subject nevertheless to the payment to the said first party and his foresaids of a yearly feu duty at the rate of seven shillings per pole; and the first year's feu duty shall be payable at the first term of Martinmas occurring after the date of such disposal, and so forth 25  
yearly thereafter in all time coming, and subject also to the whole conditions, restrictions, and other provisions herein-before and in the foresaid printed conditions contained or referred to, and to such further conditions relative to the character of the buildings to be erected on such portions as the said first party or his foresaids may require, such buildings to be only dwelling-houses and 30  
cellars and washing-houses therefor.
- Sixth. In the event of an Act confirming the said Provisional Order not being passed during the present session of Parliament, this agreement shall become null and void, and the parties thereto shall be released therefrom.
- In witness whereof, these presents written upon this and the preceding page of 35  
stamped paper by John McLuckie, Clerk to John Macdougall, Writer in Greenock, are, together with a duplicate thereof and the general printed conditions and plan before mentioned, sealed and subscribed as follows, viz., These presents and the said duplicate and plan are subscribed by Horatio Renand Babington Peile, Factor, residing in Inverkip, as Commissioner duly 40  
appointed by the said Sir Michael Robert Shaw Stewart, and authorised to subscribe the same on his behalf, at Greenock, upon the seventeenth day of May one thousand eight hundred and seventy-seven years, before these witnesses the said John Macdougall and John McLuckie, and these presents and the said duplicate are sealed with the Common or Corporate Seal of the 45  
said Board of Police and local authority, and the same and the said printed conditions and plan are subscribed by Abram Lyle, William Boag Paul, and Allan Bertram Smith, all of Greenock, three of the members of, and John Kerr Gray, clerk to the said board and local authority, as the committee and parties authorised by them to do so on their behalf, all at Greenock, upon the 50

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Order Confirmation.*

5

said seventeenth day of May and year last aforesaid, before these witnesses, A.D. 1877.  
William Blair, clerk, and Robert Richardson, apprentice, both in the Town  
Clerk's Office in Greenock.

5 JNO. MACDOUGALL, Witness.  
JOHN M<sup>C</sup>LUCKIE, Witness.  
W<sup>M</sup> BLAIR, Witness.  
ROB<sup>T</sup> RICHARDSON, Witness.



HORATIO R. B. PEILE.  
ABRAM LYLE.  
W. B. PAUL.  
ALLAN B. SMITH.  
JOHN KERR GRAY.

10 GENERAL CONDITIONS of FEUS on the Estates of Sir MICHAEL ROBERT SHAW  
STEWART, of Greenock and Blackhall, Baronet (herein-after called the Superior),  
referred to in the annexed Feu Missive.

1. A feu shall not be held to be made, and possession of the ground proposed to be  
feued shall not be given or taken, until a feu missive therefor has been signed by the  
feuar and delivered to the superior.

15 2. It shall not be necessary for the superior to sign any feu missive, and a feu missive  
when signed by the feuar shall be binding on both parties.

3. The ground feued shall be laid off and measured by the superior's surveyor, whose  
laying off and measurement shall be binding on the superior and feuar.

20 4. Unless otherwise specified in the feu missive, the only buildings to be erected on  
the ground feued shall be (first) one dwelling-house of not less than two or more than  
three square storeys in height above the level of the bounding street, or of the ground  
where there is no bounding street, and without attics in the roof thereof, and (second)  
cellars and a washing-house of not more than twelve feet in height above the surface  
level of the ground, and the said dwelling-house shall be either self-contained or  
25 divided into such possessions as shall be specified in said missive, and shall be con-  
structed of stone, and the front wall thereof shall be of ashlar mason work; and the  
said cellars and washing-house shall be constructed of either stone or brick, and the  
whole buildings on the feu shall be slated. If the superior shall authorise a coach-  
house, stable, or any other outhouses to be erected, the same shall also be not more than  
30 twelve feet in height above the surface level of the ground, and be constructed of  
stone or brick, and slated.

5. The dwelling-house on the feu shall front to and be erected on the line of the  
bounding street, or at such distance back therefrom as shall be fixed by the superior,  
or his factor, and in the latter case the area between the street and the house shall  
35 remain unbuilt upon in all time coming, and where there is no bounding street the  
house shall be erected on such line as the superior shall fix, and the said house shall  
be built according to the level of the bounding street, or where there is no bounding  
street according to the level to be fixed by the superior, and the cellars and washing-  
house, and any coach-house, stable, or other outhouses that may be authorised as  
40 aforesaid, and any dung or ash pit required for the occupier or occupiers of the  
dwelling-house, shall be erected on the back portion of the feu where the superior's  
factor shall fix.

6. The feuar shall be bound to erect on the feu a dwelling-house, of the description  
authorised, within twelve months after the date of the feu missive, and to maintain  
45 a dwelling-house of said description thereon thereafter.

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A.D. 1877.

7. Before proceeding with the erection of any dwelling-house or other building on the feu, the feuar shall be bound to submit complete plans and elevations thereof to the superior for his approval, and until such plans and elevations have been so submitted and approved of by the superior, or his factor, no house or other building shall be erected on the feu, and, if approved of, the said plans and elevations shall be signed by the said factor, and shall be binding on the feuar, who shall be bound to adhere thereto strictly in building. 5

8. Unless specially authorised by the feu missive, the feuar shall not be entitled to erect on the feu any engineering work, foundry, forge, smithy, steam engine, gas work, glass work, tan work, soap work, candle work, rope work, flax work, felt work, chemical work, bone burning work, iron work, copper work, brass work, dye work, glue work, coach work, corn mill, flour mill, farina mill, powder magazine, powder mill or manufactory, cotton mill or manufactory, woollen mill or manufactory, worsted mill or manufactory, paper mill or manufactory, sugar refinery, charring-house, barking-house, slaughter-house, distillery, brewery, pottery, sawmill, cooperage, workshops warehouse, or any other public or private work, or a stable, coach-house, byre, dairy, barn, cart-shed, pig-house or piggery; nor shall it be competent to the feuar to form a railway or tramway on the feu, or to use the same, or any part thereof, for a mineral dépôt, manure dépôt, wood yard, builder's yard, or slater's yard, or as a quarry, or brick or tile work, or for any purpose other than shall be authorised by the feu missive, or that may be deemed a nuisance by the superior. 10 15 20

9. The feuar shall, at his own expense, enclose the feu at his entry, and at all times keep the same enclosed, on his own ground along the several boundaries thereof, by such stone walls or fences as the superior's factor shall prescribe, and where there is an area between the bounding street and the house, it shall, unless otherwise provided, be enclosed on the line of said street by an ashlar parapet wall with iron railing on top, and the feuar shall not encroach on any adjoining ground, street, or road. 25

10. The feuar shall also, at his own expense, make, form, and complete all roads, streets, footpaths, pavements, sewers, and drains required in connexion with the feu, or under "The Greenock Police and Improvement Act, 1865," and "The Greenock Police Improvement and Gas Act, 1871," or any future Act, in the case of a feu on the estate of Greenock; or under "The Port Glasgow Police and Improvement Act, 1865," in the case of a feu on the estate of Newark; or under "The Paisley Police or Burgh Act," in the case of a feu on the estate of Blackhall, or as shall be prescribed by the superior in regard to feus on any of his estates or lands. 30 35

11. The feu shall be holden always of and under the superior, and no sub-feu to be made by the feuar of the feu, or any part thereof, shall in any way abridge, limit, affect, or prejudice the rights, privileges, and remedies of the superior, or the real burdens, conditions, provisions, declarations, restrictions, prohibitions, obligations, and others in the feu contract to be granted to the feuar as after mentioned, all which shall continue in full force and effect notwithstanding any sub-feu, and a provision to the foregoing effect shall be inserted in the said feu contract, and shall be either inserted or referred to in statutory form in every subsequent deed of conveyance or investiture and sub-feu right of the feu, or any part thereof, under pain of nullity. 40 45

12. The feu duty, as specified in the feu missive, shall be payable by the feuar at Martinmas yearly, commencing at the first Martinmas after entry, with penalty, and interest at five per cent. per annum, as usual, till paid; and the feuar shall also pay to the superior at Martinmas in each nineteenth year after the term of entry a duplicate of the permanent yearly feu duty in name of casualty, and that over and above the feu duty of the nineteenth year, and failing payment thereof the feuar shall 50

not only be liable in interest thereon at the foreshaid rate till paid, but shall also be bound to pay to the superior yearly, along with the ordinary feu duty, an additional feu duty equal to one half of the said ordinary feu duty, and that for each year or part of a year that the casualty or duplicate shall remain unpaid; and every proprietor  
5 acquiring right to the feu, or any part thereof, shall be liable for any unpaid casualty or duplicate and interest thereon.

A.D. 1877.

13. The feuar shall not be entitled to assign or transfer the feu missive without the superior's written consent, and assignees and disponees of the feu are excluded until the feu contract has been recorded in the register of sasines as after mentioned.

- 10 14. The superior and feuar shall enter into a feu contract of the feu whenever required by either, and there shall be embodied therein the whole general conditions contained herein and in the annexed missive, and all other clauses, provisions, conditions, declarations, and others contained in the feu contracts of feus made on the estate of Greenock since the passing of "The Conveyancing (Scotland) Act, 1874,"  
15 and that in legal form and the fuller form contained in the said feu contracts, which the feuar shall be held to have known, but the said feu contract shall not contain any clause of assignation of writs by the superior.

- 15 15. The superior's agent shall prepare and complete the feu missive and feu contract, and record the latter, before delivery, in the superior's chartulary; and the whole  
20 expense of both deeds, and recording the contract in the chartulary and register of sasines, and the surveyor's fee for putting plan on the contract, shall be paid by the feuar, and the superior shall not be bound to pay any part of said expense and fee, and he and his agent shall not be bound to give effect to any provision, rule, or regulation contained in any table of fees made or passed, or to be hereafter made or passed, bearing  
25 that the said expense and fee shall be paid by the superior and feuar, or the parties, mutually or in any other manner or proportions, and such provision, rule, or regulation shall not be binding on the superior or his agent.

16. All arrears of feu duty, and the expense and fee mentioned in No. 15, shall be paid by the feuar before getting delivery of the feu contract.

- 30 17. The feuar shall be bound to record the said feu contract in the appropriate register of sasines within 60 days after the last date thereof, and failing his doing so, the same and all following thereon shall be null and void, and the feu and all buildings thereon shall revert to the superior, who shall be entitled to enter into possession thereof and dispose of the same.

- 35 18. The feuar shall also be bound, within one month after the feu contract has been returned from the record, to produce the same to the agent of the superior, in order that the warrant and certificate of registration thereof may be recorded in the foreshaid chartulary, and the feuar shall further be bound, as often as required by the superior, to make the title deeds of the feu forthcoming to him or his agent for a reasonable  
40 period.

19. Throughout these presents the word "superior," where it occurs, shall mean and comprehend Sir Michael Robert Shaw Stewart and his heirs in the estates of Greenock, Newark, Blackhall, Duchal, and Kilmalcolm, and his other estates and lands; and the word "feuar," where it occurs, shall mean and comprehend the party making the feu  
45 and every subsequent proprietor of the same, or any part thereof, and shall apply to both males and females, and to several persons as well as to one person, and to corporations and companies.

And whereas, regard being had to the purpose of the Scheme, it is expedient that effect should be given to the said Agreement:

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A 4

A.D. 1877. — Now I, in pursuance of the powers vested in me by the said Act, hereby confirm the said Scheme, and authorise the same to be carried into execution, subject to the following conditions and modifications :

1. The power of compulsory purchase shall not extend to any of the lands comprised in the said Agreement, but the said Agreement shall be deemed to be part of the said Scheme, and shall be carried out accordingly. 5
2. The lands and premises which on the deposited plans are numbered 39, area A, shall not form part of the improvement areas to which the Scheme as amended by this Order shall relate. 10
3. The buildings on the lands constituting the improvement areas, when the same shall have been acquired, shall be taken down and removed in sections of buildings, and new buildings on the said lands shall be erected according to regulations to be from time to time made in that behalf by the Board of Police of Greenock, with the approval of one of Her Majesty's Principal Secretaries of State, subject nevertheless to the conditions of the said Agreement so far as relates to the lands comprised therein. 15

RICH. ASSHETON CROSS.

Home Office, Whitehall,  
17 May 1877.

20

### PARLIAMENTARY BURGH OF GREENOCK.

SCHEME made by the Board of Police of Greenock as the Local Authority for the Burgh of Greenock under "The Artizans and Labourers Dwellings Improvement (Scotland) Act, 1875." 25

1. The Scheme may be cited as "The Greenock Improvement Scheme, 1877."
2. In the Scheme "the Burgh" means the Parliamentary Burgh of Greenock ; "the Board" means the Board of Police of Greenock, incorporated by and acting under "The Greenock Police and Improvement Act, 1865;" "the Clerk" and "the Master of Works" mean respectively the Clerk and the Master of Works of the Board ; and "the maps" mean the maps which accompany this Scheme. 30
3. The unhealthy areas included in this Scheme are the portions of areas marked areas A, B, C, D, E, F, G, and H, coloured pink ; the portions of these areas coloured green are included in the Scheme as necessary in the opinion of the Local Authority to make it efficient for sanitary purposes ; and the areas marked A<sup>1</sup>, D<sup>1</sup>, and G<sup>1</sup>, coloured blue, are necessary in the opinion of the Local Authority for widening the existing approaches to the unhealthy areas, or for opening out the same for the purposes of ventilation or health ; and the area marked K, and coloured yellow, is necessary for the purpose of providing for the accommodation of the persons of the working class displaced 35 40

in the said areas with respect to which the Scheme is proposed, and which are respectively delineated and indicated on the maps. A duplicate of the maps is deposited at the office of the Town Clerk in Greenock, and the copies of the maps, or any part thereof, certified by the Master of Works, shall be received  
5 in all courts of justice, or elsewhere, as evidence of the contents thereof respectively.

A.D. 1877.

4. The Board may enter upon, take compulsorily, and deal with, for the purposes of this Scheme, all or any of the lands described in the Schedules hereto, and delineated on the maps.

10 5. The Board may lay out, form, pave, sewer, and complete, in the lines shown on the maps, all or any of the new streets and improvements following; viz.,

- (1.) A widening or improvement of the street called the West Breast at the north-east corner of the Vennel:
- 15 (2.) A widening or improvement of the street called the Vennel generally along the south-east side thereof from Hamilton Street to West Breast:
- (3.) A widening and straightening of Taylor's Close generally on both sides from Dalrymple Street to Hamilton Street:
- 20 (4.) A widening of Dalrymple Street on the south-west side thereof from the Vennel to William Street:
- (5.) A new street from the junction of Longwell Close, with Shaw Street in a northerly direction, into East Breast:
- (6.) A widening and improvement of Shaw Street from William Street to  
25 East Quay Lane:
- (7.) A widening and improving of Longwell Close from Cathcart Street to Shaw Street:
- (8.) A widening of Highland Close from Cathcart Street to Shaw Street:
- 30 (9.) A widening of East Quay Lane on the west side from Cathcart Street to East Breast:

with such other streets, approaches, communications, alterations of levels, stopping up, widening or diverting of existing streets and otherwise as are shown on the maps, or as may hereafter be determined by the Board to be  
35 necessary or proper for the purposes of the Scheme.

All these street improvements and widenings will be in the Parish of Greenock, or New or Middle Parish of Greenock, within the parliamentary boundary of Greenock and county of Renfrew.

40 6. In laying out the new streets and executing the approaches and communications shown on the maps, the Board may deviate from the lines shown on the maps to any extent within the limits of deviation marked thereon, and beyond those limits with the consent of the owners, lessees, and occupiers of the lands through which a deviation is made, but not otherwise.

7. The Board may, from time to time, appropriate any parts of the unhealthy  
45 areas, and also all or any part of the sites in the vicinity thereof, delineated and

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B



**A.D. 1877.** indicated on the maps for the erection of suitable dwellings for persons of the working class; and they shall provide, either by appropriation of some parts of the unhealthy areas and such sites respectively, and by securing the erection of suitable dwellings thereon or in some other manner for the accommodation of at least as many persons of the working class as will be from time to time 5 displaced within the unhealthy areas.

8. All dwelling-houses to be erected in accordance with this Scheme shall be well and substantially built, and shall be so situated and constructed as to secure efficient ventilation, and shall be furnished with a proper water supply and with proper drainage and other sanitary appliances and apparatus to the 10 satisfaction of the Board; and the Board shall enforce the execution and maintenance of all other proper sanitary arrangements within the areas and sites shown on the maps.

9. The Board shall, as soon as practicable after the passing of the Act authorising this Scheme, proceed to carry the same into execution, but they 15 may from time to time purchase and deal with parts of the lands within the unhealthy area without being required to purchase and deal with the whole of the lands within these areas.

10. The expenses of the execution of this Scheme (so far as they are not defrayed out of receipts of the Board pursuant to "The Artizans and Labourers 20 Dwellings Improvement (Scotland) Act, 1875,"), and the costs, charges, and expenses preliminary to and of and incidental to the preparation of this Scheme and the application for the Order confirming the same, and the obtaining the confirmation by Parliament of such Order, shall be paid by the Board out of all 25 or any of the local rates as defined by the said Act (section 2), or out of moneys borrowed in pursuance of the said Act.

JOHN KERR GRAY,  
Town Clerk, Clerk to the Local Authority.

### PARLIAMENTARY BURGH OF GREENOCK.

#### ESTIMATE of COST of the Improvement Scheme under the 30 Artizans and Labourers Dwellings (Scotland) Improvement Act, 1875.

November 1876.

	£	
Total valuation of the properties within the areas marked A, A <sup>1</sup> , B, C, D, D <sup>1</sup> , E, F, G, G <sup>1</sup> , and H, as delineated upon the maps accompanying the scheme - -	100,000	35
Formation of sewers, removing old buildings, improvement of existing streets, and opening and paving new streets -	5,000	
Allowance for expenses and contingencies - -	10,000	
Total estimate - - -	<u>£115,000</u>	40

[40 & 41 VICT.] *Greenock Improvement Provisional*  
*Order Confirmation.*

11

As shown above, I estimate the total cost of the improvement scheme of the Greenock Local Authority, of date November 1876, as shown on the accompanying maps prepared by me, at the sum of one hundred and fifteen thousand pounds sterling. A.D. 1877.  
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5

ALEX. T. TURNBULL, C.E.,  
Master of Works.

**Greenock Improvement  
Provisional Order  
Confirmation. [H.L.]**

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A

**B I L L**

INTITULED

An Act to confirm a Provisional Order  
of one of Her Majesty's Principal  
Secretaries of State for the Improve-  
ment of unhealthy Areas in the  
Parliamentary Burgh of Greenock.

*(Brought from the Lords 21 June 1877.)*

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*Ordered, by The House of Commons, to be Printed,  
21 June 1877.*

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[Bill 207.]  
*Under 2 oz.*

A  
B I L L

TO

Amend the “Gun License Act, 1870.”

A.D. 1877.

**W**HEREAS it is expedient to extend the provisions made by the Acts of the eleventh and twelfth years of the reign of Queen Victoria, chapter thirty, and of the twenty-third and twenty-fourth years of the reign of Queen Victoria, chapter ninety, to enable the occupiers of lands in Scotland to protect the produce of such lands from damage by hares and rabbits :

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The following sub-section shall be added to the six sub-sections of clause seven of the Act of the thirty-third and thirty-fourth years of the reign of Queen Victoria, chapter fifty-seven ; viz.,

Exemption from gun license of occupier of lands for killing hares, rabbits, wood pigeons, and rooks.

By the occupier of any lands in Scotland using or carrying a gun, or by any one person, being a son or farm servant of such occupier, and having his written authority to use or carry a gun, for the purpose only of killing hares, rabbits, wood pigeons, or rooks then being upon such lands.

2. In this Act, the words “farm servant” shall mean a person hired as a farm servant for any period not less than *six months*.

Definitions.

3. This Act shall apply to Scotland only.

Extent of Act.

4. This Act may be cited as “The Gun License Amendment Act, 1877.”

Short title.

5. This Act shall come into operation from the *first day of April one thousand eight hundred and seventy-eight*.

Commencement of Act.





**Gun License Act (1870)**  
**Amendment.**

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A

**B I L L**

To amend the "Gun License Act, 1870."

*(Prepared and brought in by  
Sir Alexander Gordon, Mr. McLagan, and  
Mr. Mark Stewart.)*

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*Ordered, by The House of Commons, to be Printed,  
15 February 1877.*

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[Bill 89.]

*Under 1 oz.*

# Habitual Drunkards Bill.

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## ARRANGEMENT OF CLAUSES.

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### *Preliminary.*

#### Clause.

1. Short title.
2. Commencement of Act.
3. Interpretation.
4. Incorporation of Schedules and Forms and Rules therein.
5. Local authority, local rate, and clerk of local authority.

### *Retreats.*

6. Establishment of retreats.
7. No alteration to be made in building until sanctioned.
8. Power of local authority to transfer license.
9. Removal of habitual drunkard from unfit habitation. Notice of such removal.
10. Persons may be admitted to retreats on their own application.
11. Summons of habitual drunkard on the application of certain parties.
12. Power of justices to make orders for admission to retreat.
13. Provision for cases being heard by a jury.
14. Proprietors of retreats to send notice of admission.
15. Power of discharge.
16. Incorporation of certain portions of the 8 & 9 Vict. c. 100.

### *Inebriate Reformatories.*

17. Local authority may provide inebriate reformatories.
18. Council of borough may give notice of intention to execute Act.
19. Power to local authority to take lands.
20. Power to pull down and erect buildings.
21. 8 & 9 Vict. c. 18., 23 & 24 Vict. c. 106., and 32 & 33 Vict. c. 18., incorporated with this Act.

[Bill 105.]

a



## Clause.

22. Providing modes of access to inebriate reformatories.
23. Contributions towards establishment or building of inebriate reformatory.
24. Mode of obtaining approval of the Secretary of State.
25. Mode of certifying inebriate reformatories established by local authority. Notice of the grant, withdrawal, or resignation of certificate to be inserted in the London Gazette.
26. Power to local authority to make contracts for use of inebriate reformatories.
27. Power to erect joint inebriate reformatory.
28. Power to make rules.
29. Committal of habitual drunkard.
30. Persons thrice convicted in three months to find sureties; and, in default, in absence of satisfactory evidence to contrary, to be deemed to be habitual drunkards.
31. Time of detention to be specified in order of committal.
32. Orders of committal to be evidence.
33. Orders of committal to be sent to inebriate reformatory. Gaoler to deliver habitual drunkard to custody of reformatory authorities.
34. Possession of order of committal authority for detention.
35. Certificate of chief officer to be evidence.
36. Undertaking by chief officer of reformatory.
37. Undertaking to continue until certificate withdrawn.
38. When reformatory unlicensed, persons detained to be discharged or transferred.

*Inspection and Visitation of Retreats and Inebriate Reformatories.*

39. Inspector and assistant inspectors of inebriate reformatories.
40. Inspection of retreats and inebriate reformatories.
41. Local authority to appoint visitors.
42. Who shall be visitors.
43. Appointment of clerk of visitors.
44. Clerk of local authority to advertise names, &c. of visitors.
45. Visitors to be summoned.
46. Visitations by visitors.
47. Visitors may summon persons to give evidence.
48. Rules as to visitation of retreats, &c.

- 49. Visitors may give orders of admission.
- 50. Judge of High Court of Justice may make orders to inspect.
- 51. Visitors may discharge persons detained without sufficient cause.
- 52. Clerk to make search.

*Leave of absence from Retreat or Inebriate Reformatory.*

- 53. Permission for person detained to reside out of retreat or inebriate reformatory.
- 54. Absence to be reckoned in time of detention.
- 55. Revocation of leave of absence.

*Expenses of Act.*

- 56. Payment of costs and expenses out of local rate.
- 57. Treasury may contribute towards expenses of inebriate reformatories.
- 58. Power to local authority to borrow money.
- 59. Money borrowed to be charged on local rate.
- 60. Incorporation of sections 75 to 88 inclusive (except s. 84) of 10 & 11 Vict. c. 16.
- 61. Repayment of borrowed moneys.
- 62. Expense of conveyance.
- 63. Power to order payment by habitual drunkard of costs of maintenance.
- 64. Order on relatives of habitual drunkard for contribution.
- 65. Power to make order on guardians.
- 66. Orders may specify time of payment.
- 67. Power to remit or vary payment.
- 68. Expenses of witnesses.
- 69. Payments to go in aid of local rate.
- 70. Fees to be carried to account of local rate.

*Offences.*

- 71. Penalty for false statements.
- 72. Offences by visitors, clerks to local authorities, and to visitors, proprietors of retreats, and chief officers of inebriate reformatories.
- 73. Offences by officers, servants, and other persons.
- 74. Offences by habitual drunkards while detained in retreats or inebriate reformatories.

- 75. Escape from retreat or inebriate reformatory.
- 76. Penalty for offence against Act.
- 77. Proceedings on death of person detained ; Penalty for neglect or omission.
- 78. Penalty for not appearing.
- 79. Protection of officers, &c.
- 80. Summary jurisdiction Acts.
- 81. Appeals.
- 82. Proceedings not to be quashed though defective in form.
- 83. Order of commitment, &c. not to be void if conviction good.
- 84. Limitation of actions.

*Miscellaneous.*

- 85. Time to run from discharge from retreat or reformatory.
- 86. No forfeiture for non-fulfilment of condition of residence.
- 87. Fees to be prescribed.
- 88. Extent of Act.

SCHEDULES.

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A  
B I L L

TO

Facilitate the control and care of Habitual Drunkards.

A.D. 1877.

**W**HEREAS excessive drinking is a fruitful cause of disease, pauperism, lunacy, and crime, and it is desirable to prevent its extension and diminish its attendant evils by making provision for the reformatory and curative treatment of Habitual Drunkards :

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same, as follows :

*Preliminary.*

10 1. This Act may be cited as "The Habitual Drunkards Act, Short title. 1877."

2. This Act shall commence and come into operation on the *first* Commence-  
day of January one thousand eight hundred and seventy-eight. ment of Act.

3. In this Act—

15 "Secretary of State" means one of Her Majesty's Principal Secretaries of State: Interpretation.

"Summary conviction" means conviction before a court of summary jurisdiction in the place where the offence is committed, or where the offender happens to be:

20 "Court of summary jurisdiction" means and includes any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts:

25 "The Summary Jurisdiction Acts" mean the Act of the eleventh and twelfth years of Her Majesty's reign, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and [Bill 105.]

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A.D. 1877.

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“ Wales, with respect to summary convictions and orders,”  
and the Acts amending the same :

“ Justice ” means a justice of the peace having jurisdiction in  
the place where the matter requiring the cognisance of a  
justice arises : 5

“ Justices ” include the Lord Mayor or an Alderman of the city  
of London, or a police or stipendiary magistrate, or other  
justice having by law authority to act alone for any purpose  
with the powers of two justices, as well as two or more justices  
in petty sessions assembled : 10

“ Person ” includes a corporation and a society or association  
composed of two or more persons :

“ Parish ” includes a place separately maintaining its own poor :

“ A retreat ” means a house licensed by the licensing authority  
named by this Act, for the reception, care, and curative treat- 15  
ment of habitual drunkards :

“ Proprietor of a retreat,” includes every person keeping,  
managing, or superintending a retreat, or exercising or dis-  
charging therein any of the powers or duties of a proprietor  
thereof : 20

“ Reformatory ” in this Act means an inebriate reformatory :

“ Chief officer of an inebriate reformatory ” means the person  
for the time being entrusted by the local authority with the  
control and management of an inebriate reformatory estab-  
lished by such local authority : 25

“ Treasurer of an inebriate reformatory ” means the treasurer of  
such inebriate reformatory for the time being :

“ Inspector of inebriate reformatories ” means one of Her Ma-  
jesty’s Inspectors of Prisons appointed in that behalf by the  
Secretary of State : 30

“ Habitual drunkard ” means a person who by reason of habitual  
intemperate drinking of intoxicating liquor is dangerous to  
himself or to others, or incapable of managing himself and his  
affairs.

Incorporation of  
schedules  
and forms  
and rules  
therein.

4. The Schedules to this Act, with the notes and directions 35  
therein, shall have effect as part of this Act; and the rules con-  
tained in those Schedules and the Forms therein given, or Forms to  
the like effect, shall be observed, with such variations as circum-  
stances require, by the persons, for the purposes, and in the  
manner therein indicated; but no instrument made in execution or 40  
intended execution of this Act shall be invalidated for defect in  
form only.

Local author-  
ity, local  
rate, and

5. The bodies, rate, and officer mentioned in the second, third,  
and fourth columns of the First Schedule to this Act shall be the

local authority, local rate, and clerk of the local authority under this Act, in reference to the districts mentioned in the first column of the said Schedule.

A.D. 1877.

clerk of local authority.

*Retreats.*

- 5     **6.** The local authority may, subject to any conditions which such local authority shall deem fit, grant to any person, or to two or more persons jointly, a license for *twelve months* to keep a retreat; and may, from time to time, revoke or renew such license. The application for such license shall be in the Form No. 1 in the
- 10 Second Schedule hereto, or to the like effect. The license shall be in the Form No. 2 in the same Schedule, or to the like effect.

Establishment of retreats.

7. No substantial addition or alteration shall be made to, in, or about any retreat, unless and until notice in writing of the desire of the proprietor to make such addition or alteration, with a proper
- 15 plan and description thereof, has been forwarded by him to the clerk of the local authority, and the consent in writing of the local authority has been given thereto.

No alteration to be made in building until sanctioned.

8. If the proprietor of any retreat becomes incapable, from sickness or otherwise, of keeping such retreat, or if, being the sole
- 20 licensee, he dies before the expiration of the license, the local authority, by writing under their hands, indorsed on the license, may transfer the license to another person, if the local authority, in its discretion, shall think fit.

Power of local authority to transfer license.

9. If any retreat becomes unfit for the habitation of the persons
- 25 detained therein under this Act, the local authority may, by writing under their hands, authorise the removal of such persons, or of any of them, to another retreat.

Removal of habitual drunkard from unfit habitation.

- The proprietor of the retreat from which such persons or person, are so removed shall, with all practicable speed, send by post notice
- 30 of such removal to the person by whom the last payment for each person detained in the retreat was made and to the clerk of the local authority.

Notice of such removal.

10. Any habitual drunkard desirous of being admitted into a retreat, may make application in writing to the proprietor of a retreat
- 35 for admission into such retreat, and such application shall be in the Form No. 3 in the Second Schedule hereto, and shall state the time during which such applicant undertakes to remain in such retreat. The signature of the applicant to such request for admission to a retreat shall be attested by a justice of the peace or by a commis-
- 40 sioner to administer oaths in the Supreme Court, and such justice

Persons may be admitted to retreats on their own application.

A.D. 1877. or commissioner shall explain to the applicant the effect of his application for admission into a retreat and his reception therein, and shall state in writing, and as a part of such attestation that the applicant understood the effect of his application for admission and his reception into the retreat. 5

Such applicant, after his admission and reception into such retreat, unless discharged as herein-after provided, shall not be entitled to leave such retreat till the expiration of the term mentioned in his application, and such applicant may be detained therein till the expiration of such term; provided that such term 10 shall not exceed the period of *twelve calendar months*.

Summons of habitual drunkard on the application of certain parties.

11. Upon the application of the parent, husband, wife, relative, or guardian of any habitual drunkard, a justice may summon such person to appear on a day named, such day not to be less than two clear days after the service of the summons, at the petty sessions 15 where such justice has jurisdiction, to show cause why such person should not be placed in a retreat under this Act.

Power of justices to make orders for admission to retreat.

12. At the hearing of such summons, whether the person summoned appears or not, upon proof of the service of the summons and that the person summoned is an habitual drunkard within the 20 meaning of this Act, the justices in petty sessions assembled, may make an order in the Form No. 4 in the Second Schedule hereto or to the like effect, authorising the apprehension of such person, his conveyance to a retreat under this Act to be named in such order, his delivery to the proprietor thereof, and his reception, detention, 25 and curative treatment therein for any term not less than *one calendar month* and not exceeding *twelve calendar months*. In default of such proof, such summons shall be dismissed with costs as against the applicant or applicants. The summons, whether heard by the justices without a jury under this section or with a 30 jury under the next section, shall, if the person summoned so require, be heard in private.

Provision for cases being heard by a jury.

13. If, on the day appointed for the hearing of the summons, and when the case is called on, the person summoned so require, such justices shall hear the said summons with a jury of twelve 35 persons, to be summoned by the clerk to such justices from amongst the persons on the list for service as jurors at quarter sessions in the county in which such justices are acting; and, on such requisition, shall adjourn the hearing of the said summons for a period of not more than seven days, for the summoning of such 40 jury. Such jury, at the hearing, shall be duly sworn to find by their verdict, whether the person summoned is an habitual

drunkard within the meaning of this Act, or not ; and if such jury shall find that the person so summoned is an habitual drunkard within the meaning of this Act, then the justices before whom the hearing on the said summons shall have taken place, may make such order for the detention of the party summoned as mentioned in the last section. If such jury shall find that the person summoned is not such habitual drunkard, the summons shall be dismissed with costs as against the applicant or applicants.

A.D. 1877.

14. Every proprietor of a retreat under this Act shall, within two clear days after the admission of any person received therein under this Act, send a copy of the application of such person for admission or of the order of the justices, as the case may be, under which such person is so received by any such proprietor, to the clerk of the local authority and to the clerk of the visitors of such retreat.

Proprietors of retreats to send notice of admission.

15. Any person admitted into any retreat under this Act at his own request may, at any time thereafter, be discharged by the order of a justice, upon the request in writing of the proprietor of the retreat or upon the request in writing of the person so admitted, if it shall appear to such justice to be reasonable and proper. Any person admitted upon the application of the parent, husband, wife, relations, or guardian of such person by the order of the justices in petty sessions assembled may, upon the request in writing of such parent, husband, wife, relations, or guardian so applying, or upon the request of the proprietor of the retreat, be discharged by the order of any two justices, whether sitting in petty sessions or not, if such request shall appear to such justices to be reasonable and proper.

Power of discharge.

16. There shall be incorporated with this Act the following sections of the Act passed in the 8th and 9th years of the reign of Her present Majesty, chapter 100 ; that is to say, sections 24, 27, 29, 54, 55, 57, 59, 60, 64, 65, 66, 69, 70, 75, and 99 ; and the provisions of the said sections shall, so far as the same are applicable, be deemed to apply to every retreat under this Act, and to the management of such retreat, and to the duties of the proprietor, and officers of such retreat, in the same manner as the provisions of the said sections apply to houses licensed under the said Act of the 8th and 9th years of the reign of Her present Majesty, chapter 100.

Incorporation of certain portions of the 8 &amp; 9 Vict. c. 100.

The said sections shall be read and construed in connection with this Act as if the words "local authority" were inserted therein,

[105.]

A 3



A.D. 1877. — instead of the word “commissioners;” the words “habitual drunkard,” instead of the word “lunatic;” and the word “retreat,” instead of the words “licensed house.”

*Inebriate Reformatories.*

Local authority may provide inebriate reformatories.

17. The local authority of any county or borough may, if it shall 5 appear to them necessary or desirable, provide an inebriate reformatory for the control and treatment of habitual drunkards within the meaning of this Act in manner following; (that is to say,) the local authority shall at a general or quarter sessions for such county or borough, direct public notice to be given by the 10 clerk of the peace of such county or borough, in some newspaper commonly circulated in such county or borough, of the intention of the local authority of such county or borough at the then next general or quarter sessions for such county, or (in case of a borough) at a special meeting of the local authority of such 15 borough, to be fixed in such notice, and to be holden within three months from the date thereof, to provide an inebriate reformatory for habitual drunkards of such county or borough, under the provisions of this Act, and the clerk of the peace of such county or borough shall, within ten days after such direction as aforesaid, 20 cause such notice to be given accordingly.

Council of borough may give notice of intention to execute Act.

18. The council of every borough which shall, by writing under their common seal, give notice to the Secretary of State of the intention of such Council to take upon themselves the duties, powers, and authorities imposed or conferred by this Act upon or given to the 25 local authority of the borough, of providing an inebriate reformatory for habitual drunkards of such borough, shall, on and after giving such notice, be subject to, and have and exercise all the duties, powers, and authorities of, and for providing such inebriate reformatory for such habitual drunkards, which by this Act are 30 imposed or conferred upon or given to the local authority of such borough, and all liabilities and contracts incurred or entered into by such local authority on such behalf under this Act, shall thereupon be transferred to, and become obligatory upon such council, to the same extent as they would have been binding or obligatory 35 on such local authority; and all matters and things which are required to be done at any general or quarter sessions, or at any meeting of the local authority of such borough for providing such inebriate reformatory or otherwise under this Act, may and shall thenceforth be done at any meeting of the council of such borough; 40 and all notices which by this Act are required to be given to or by

the clerk of the peace shall and may thenceforth be given to or by A.D. 1877.  
the town clerk of such borough.

19. The local authority shall have power to purchase, take, hold, and use any lands (not exceeding six acres on the whole) necessary for the purpose of erecting, enlarging, or rebuilding any inebriate reformatory under this Act. Power to local authority to take lands.

20. The local authority may pull down and remove any buildings on the lands purchased by them under this Act, and may construct thereon such buildings, and do all such other things, as may in their opinion be necessary or expedient in order to carry into effect the purpose of erecting, enlarging, or rebuilding any inebriate reformatory under this Act. Power to pull down and erect buildings.

21. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, shall be incorporated with this Act, with the exceptions and additions and subject to the provisions herein-after contained ; (that is to say,) 8 & 9 Vict. c. 18., 23 & 24 Vict. c. 106. and 32 & 33 Vict. c. 18. incorporated with this Act.

(1.) There shall not be incorporated with this Act the sections and provisions of the Lands Clauses Consolidation Act 1845, herein-after mentioned, that is to say, section sixteen, whereby it is provided that the capital is to be subscribed before the compulsory powers are to be put in force ; section seventeen, whereby it is provided that the certificate of the justices shall be evidence that the capital has been subscribed ; and section one hundred and twenty-three, limiting the time for the compulsory purchase of land :

(2.) In the construction of this Act and the said incorporated Acts this Act shall be deemed to be "the special Act," and the local authority shall be deemed to be "the promoters of the undertaking :"

(3.) The bond required by section 85 of the Lands Clauses Consolidation Act, 1845, shall be sufficient without the addition of the sureties in the said section mentioned.

22. The local authority may, for the purpose of improving the approaches, or of providing convenient modes of access to the proposed inebriate reformatory and the offices connected therewith, acquire by purchase or otherwise any lands or interest in lands or easements ; and for the purposes of such acquisition the said Lands Clauses Consolidation Acts shall be deemed to apply, with the exception of so much thereof as relates to the purchase of lands otherwise than by agreement. Providing modes of access to inebriate reformatory.

A.D. 1877.

Contribu-  
tions towards  
establish-  
ment or  
building of  
inebriate re-  
formatory.

**23.** The local authority may from time to time contribute such sums of money out of the local rate, and upon such conditions as they may think fit, towards the establishment or building of an inebriate reformatory, or towards the purchase of land required for the site of an inebriate reformatory, or towards the alteration, 5 enlargement, or rebuilding of such reformatory, or towards the support of the inmates of such reformatory, or towards the management of such reformatory, or generally towards defraying the costs and expenses incidental to the execution of the powers and duties conferred or imposed upon such local authority by this 10 Act; provided,—

First. That not less than two months previous notice of the intention of the local authority to take into consideration the making of every such contribution at a time and place mentioned in the notice be given by advertisement published 15 in a newspaper or newspapers circulating within the district of the local authority.

Secondly. That when the local authority is the council of a borough, the order for the contribution be made at a special 20 meeting of the council of such borough.

Thirdly. That when the contribution is for establishment, building, alteration, enlargement, or rebuilding of an inebriate reformatory, or for the purchase of land, the approval of the Secretary of State shall be previously obtained and given for such establishment, building, alteration, enlargement, rebuilding, or 25 purchase.

Mode of  
obtaining  
approval of  
the Secretary  
of State.

**24.** In order to obtain the approval of the Secretary of State, the local authority shall forward to the Secretary of State particulars of the proposed establishment or purchase, and a plan of the proposed building, alteration, enlargement, or rebuilding, drawn on such 30 scales, and accompanied by such particulars and estimate of cost as the Secretary of State thinks fit to require; and the Secretary of State may approve of the particulars and plan submitted to him, with or without modification, or may disapprove of the same, and his approval or disapproval shall be signified by writing under his 35 hand.

Mode of  
certifying  
inebriate re-  
formatory  
established  
by local  
authority.

**25.** Before any reformatory established or built by the local authority shall be deemed to be an inebriate reformatory within the meaning of this Act, the Secretary of State, on the application of the local authority, shall direct the inspector of inebriate reforma- 40 tories to examine into the condition and regulations of the reformatory, and its fitness for the reception of habitual drunkards

to be placed therein under this Act, and to report to him thereon ; A.D. 1877.  
 and, if the Secretary of State shall be satisfied with the report made  
 by the inspector of inebriate reformatories, he may by writing under  
 his hand certify that such reformatory is fit for the reception of  
 5 habitual drunkards to be placed therein under this Act, and thence-  
 forth the reformatory shall be deemed to be an inebriate reformatory  
 under this Act.

A notice of the grant, withdrawal, or resignation of any certificate  
 of fitness of any inebriate reformatory by the Secretary of State  
 10 shall, within one month of its date, be inserted by order of the  
 Secretary of State in the London Gazette.

A copy of the London Gazette containing such notice shall be  
 conclusive evidence of such grant, withdrawal, or resignation.

A certificate shall be deemed to be in force until the withdrawal  
 15 or resignation thereof under this Act is proved.

**26.** If it shall seem to any local authority that it would be  
 expedient for such local authority to contract with some other local  
 authority for the detention and maintenance of such habitual  
 drunkards as are committed within the district for which such local  
 20 authority acts, it shall be lawful for such local authority, with the  
 consent of the Secretary of State, so to contract, subject to such  
 terms, regulations, and conditions as the Secretary of State may  
 prescribe for each of the contracting parties ; and such habitual  
 drunkard may be lawfully removed and detained in accordance  
 25 with such contract.

**27.** It shall be lawful for any two or more local authorities, with  
 the consent of the Secretary of State, to contract for the erection  
 and maintenance of a joint inebriate reformatory for the care and  
 curative treatment of the habitual drunkards committed within the  
 30 respective districts for which such local authorities act and on such  
 terms as to proportions of contribution and duration of the contract  
 as such authorities respectively shall, with the consent of the  
 Secretary of State, agree.

**28.** The local authority may, from time to time, make rules for  
 35 the management and discipline of such inebriate reformatories as  
 are under their jurisdiction, not being inconsistent with this Act ;  
 but such rules shall not be enforced until and unless they shall have  
 been approved in writing by the Secretary of State, and rules so  
 approved shall not be altered except with the like approval.

40 A printed copy of rules purporting to be the rules so approved of  
 an inebriate reformatory, and signed by the inspector of inebriate  
 reformatories, shall be evidence of the rules of such inebriate refor-  
 matory.

A.D. 1877.

Committal  
of habitual  
drunkard.

**29.** Any habitual drunkard within the meaning of this Act, if convicted at any time by any court of summary jurisdiction of being drunk, or drunk and incapable, or drunk and disorderly, shall be liable to be committed to, and detained in an inebriate reformatory for any term not less than *one calendar month*, and not more than *five twelve calendar months*, either at the expiration of any sentence to which he shall have previously been sentenced, or immediately on conviction.

Persons  
thrice con-  
victed in  
three months  
to find  
sureties, and  
in default in  
absence of  
satisfactory  
evidence to  
contrary,  
to be deemed  
to be habitual  
drunkards.

**30.** Any person who shall by any court of summary jurisdiction be convicted of being drunk and incapable or drunk and disorderly 10  
three times within three consecutive calendar months may, in addition to any fine or imprisonment, be ordered to find sureties for his good behaviour during any period not exceeding *twelve calendar months* from the date of his third conviction or from the date of the expiration of such imprisonment as last aforesaid; and, in default 15  
of his finding such sureties, he shall in the absence of satisfactory evidence to the contrary, be deemed to be an habitual drunkard within the meaning of this Act, and may be committed to and detained in an inebriate reformatory for any term not less than *one calendar month*, and not more than *twelve calendar months* from 20  
such conviction or expiration of imprisonment as aforesaid.

Time of  
detention to  
be specified  
in order of  
committal.

**31.** The order for the committal of an habitual drunkard shall specify the time for which he is to be detained in the inebriate reformatory, not being in any case less than *one month or more than twelve months*. 25

Orders of  
committal to  
be evidence.

**32.** An instrument purporting to be an order of committal to an inebriate reformatory and to be signed by a court of summary jurisdiction or two justices, or purporting to be a copy of such an order, and to be certified as such by the clerk of the court making the order, shall be evidence of the order. 30

Orders of  
committal  
to be sent to  
inebriate  
reformatory.

**33.** The order of committal to an inebriate reformatory shall be forwarded by the clerk of the court making the order to the chief officer of such inebriate reformatory, together with the habitual drunkard, and shall be a sufficient warrant for the conveyance of the habitual drunkard thither and for his detention therein. 35

Gaoler to  
deliver ha-  
bitual drunk-  
ard to  
custody of  
reformatory  
authorities.

The gaoler of every prison having in his custody any habitual drunkard sentenced to be placed in an inebriate reformatory, shall at the appointed time deliver such habitual drunkard into the custody of the chief officer of the inebriate reformatory in which he is to be detained. 40

Possession  
of order of  
committal

**34.** The possession of the order of committal in pursuance of which an habitual drunkard is to be placed in an inebriate refor-

matory shall be a sufficient authority for his detention in such hospital.

authority for detention.

35. A certificate purporting to be signed by the chief officer of an inebriate reformatory to the effect that the habitual drunkard therein named was duly received into and is at the time of the signing thereof detained in the inebriate reformatory, or has been duly discharged or removed therefrom or otherwise disposed of according to law, shall be evidence of the matters therein stated.

Certificate of chief officer to be evidence.

36. The certificate of the due reception of an habitual drunkard, purporting to be signed as last mentioned, shall be deemed to be an undertaking by the chief officer to undertake the care of the habitual drunkard, and lodge, clothe, feed, and provide medicines for him during the whole period for which he is liable to be detained in such inebriate reformatory.

Undertaking by chief officer of reformatory.

37. Where notice is given of the withdrawal or resignation of the certificate of an inebriate reformatory, no habitual drunkard shall be received therein under this Act after receipt by the local authority of notice of withdrawal, or after the date of notice of resignation, but their obligations to undertake the care of and to lodge, clothe, feed, and provide medicines for every habitual drunkard being in such reformatory at the time of such receipt, or at the date of such notice shall, except as far as the Secretary of State otherwise directs, continue until the withdrawal or resignation takes place.

Undertaking to continue until certificate withdrawn.

38. When the certificate of an inebriate reformatory has been resigned or withdrawn, the persons detained therein shall be either discharged or transferred to some other inebriate reformatory by order of the Secretary of State.

When reformatory unlicensed, patients to be discharged or transferred.

*Inspection and visitation of Retreats and Industrial Hospitals.*

39. Such one of Her Majesty's Inspectors of Prisons as the Secretary of State from time to time thinks fit to appoint shall be styled "The Inspector of Inebriate Reformatories."

Inspector and assistant inspectors of inebriate reformatories.

The Secretary of State may, from time to time, appoint one or more fit persons as assistant inspectors of inebriate reformatories; and every person so appointed shall have such of the powers and duties of the inspector of inebriate reformatories as the Secretary of State from time to time may prescribe.

40. Every retreat and inebriate reformatory shall, from time to time, and at least once in each year be inspected by the inspector or assistant inspector of inebriate reformatories, who shall report to

Inspection of retreats and inebriate reformatories.

A.D. 1877. the Secretary of State the condition of such retreat or inebriate reformatory. The Secretary of State may at any time, on the recommendation of the inspector or assistant inspector of inebriate reformatories, or in his own discretion, order the discharge of any person detained in any retreat or inebriate reformatory. 5

Local authority to appoint visitors.

**41.** Each local authority having jurisdiction in any borough in which there is any retreat or inebriate reformatory shall at the Michaelmas General or Quarter Sessions in every year appoint visitors of the retreats and inebriate reformatories within the district of such local authority. 10

Who shall be visitors.

**42.** The visitors shall be three or more justices, and at least one registered medical practitioner (in this Act referred to as "medical visitor"). The visitors shall make such declaration as is contained in Schedule III. to this Act, Part I. A vacancy caused by death, resignation, or otherwise in the office of visitor may be filled up at 15 any general or quarter sessions by the local authority.

Every medical visitor shall receive such salary or remuneration for his services (to be paid out of the local rate) as the local authority shall think fit.

Appointment of clerk of visitors.

**43.** The local authority shall appoint the clerk of the local 20 authority, or some other competent person to be the clerk of the visitors. The clerk of the visitors shall make such declaration as is contained in Schedule III. to this Act, Part II. Every such clerk of the visitors shall be allowed such salary or remuneration for his services (to be paid out of the local rate), as the local 25 authority shall think fit.

Clerk of local authority to advertise names, &c., of visitors.

**44.** The clerk of the local authority, within fourteen days after the appointment of any visitors or visitor, or of the clerk of the visitors, shall give notice thereof by advertisement published in a newspaper circulating in the district for which such local authority 30 acts, stating the names, addresses, and descriptions of such visitors or visitor, or of such clerk of the visitors.

Visitors to be summoned.

**45.** The clerk of the visitors shall summon the visitors to meet at such time and place, for the purpose of executing this Act as the local authority shall direct, or as (subject to any such direction) 35 the visitors from time to time shall appoint. Every such meeting shall be appointed, summoned, and held as privately as may be, and in such manner that no proprietor of any retreat under this Act, or chief officer of any inebriate reformatory under this Act shall have notice of an intended visitation thereof. 40

**46.** Every retreat and inebriate reformatory under this Act, shall be visited by three at least of the visitors (one being a medical visitor) six times at least in every year.

—  
Visitations  
by visitors.

**47.** Any two visitors, being justices, may, from time to time, by  
5 summons under their hands require any person to appear before  
them, to testify touching any matters respecting which visitors are  
authorised by this Act to inquire, and may administer an oath to  
any person appearing on the summons; and any person who on  
such inquiry shall knowingly give any false evidence shall be  
10 liable to the penalties of perjury.

Visitors may  
summon per-  
sons to give  
evidence.

**48.** The rules as to the visitation of retreats contained in Sche-  
dule III. to this Act, Part III., shall be observed on each visitation  
of a retreat by the visitors and by the proprietor of such retreat  
respectively. Subject thereto, the local authority may, from time  
15 to time, make rules for the visitation and also for the management  
and discipline of any retreat within their district; but these rules  
shall not be enforced until and unless they shall have been ap-  
proved in writing by the Secretary of State; and rules so approved  
shall not be altered except with a like approval.

Rules as to  
visitation of  
retreats, &c.

**49.** A printed copy of rules purporting to be the rules of a retreat so  
20 approved signed by the Inspector of Inebriate Reformatories shall  
be evidence of such rules of the retreat.

**49.** Any one of the visitors of a retreat or of an inebriate reform-  
atory may at any time, if he thinks fit, give an order under his  
25 hand directing that a person named in the order, being a relation  
or friend of a person detained in a retreat or in an inebriate  
reformatory, be admitted to see the person so detained; and such  
order may be for one time or for any specified number of times, or  
for all reasonable times, and either with or without any restriction  
30 as to the presence of any other person.

Visitors may  
give orders  
of admission.

**50.** A Judge of the High Court of Justice, on an application *ex*  
*parte* at chambers, may at any time, by order under his hand,  
authorise and direct any competent person or persons to visit and  
examine a person detained in any retreat or in any inebriate  
35 reformatory under this Act, to inquire into and report on any  
matters which such judge may think fit in relation to the person  
so detained. The judge, on receiving such report, may, if he shall  
think fit, order the discharge of any person so detained from any  
such retreat or inebriate reformatory.

Judge of  
High Court  
of Justice  
may make  
orders to  
inspect.

**51.** If it shall appear to the visitors or any two of them, one being  
40 a medical visitor, after two distinct and separate visits to any person

Visitors may  
discharge  
persons de-



A.D. 1877. detained in any retreat or inebriate reformatory within their district, that such person is detained without sufficient cause, it shall be lawful for such visitors, if they shall think fit, to make such order as to them shall seem meet, for the discharge of such person ; and such person shall be discharged accordingly. Provided always, that every such order by any visitors for the discharge of any person so detained from any retreat or inebriate reformatory shall be signed by them, and that each of such visits shall be by the same visitors, and that it shall not be lawful for such visitors to order the discharge of any person so detained without having previously examined on oath the principal medical attendant of such retreat or inebriate reformatory and satisfied themselves of the fitness of any such person to be discharged.

Clerk to  
make search.

52. The clerk of the visitors, if applied to by any person shall, on payment of a fee of *one shilling* by the person so applying, search among the returns made to him in pursuance of this Act, and ascertain whether or not any person inquired after, is, or has been within the then last eighteen months detained in any retreat under this Act, or in any inebriate reformatory under this Act, in the district for which the visitors act, and shall furnish the applicant with a statement in writing, under his hand, of the result of the search ; and if the person inquired after is, or has been, so detained, shall specify the retreat or inebriate reformatory in which he is or has been so detained and the date of his admission, and discharge, if any.

25

*Leave of absence from Retreat or Inebriate Reformatory.*

Permission  
for person  
detained to  
reside out of  
retreat or  
inebriate  
reformatory.

53. The visitors, in the case of a retreat, and the chief officer, with the consent of two of the visitors, in the case of an inebriate reformatory, may, at any time after the expiration of three months of the prescribed period of detention of an habitual drunkard, by license under their hands permit him to live with any trustworthy and respectable person named in the license willing to receive and take charge of him for a definite time for the benefit of his health.

Such a license shall not be in force for more than *two months*, but may at any time before the expiration of that period be renewed for a further period not exceeding *two months*, and so from time to time until the habitual drunkard's period of detention has expired.

Absence to  
be reckoned  
in time of  
detention.

54. The time during which an habitual drunkard is absent from a retreat or inebriate reformatory under such a license, shall, except where the license is forfeited by his misconduct, be deemed to be part

of the time of his detention in such retreat or inebriate reformatory. A.D. 1877.  
At the expiration of the time allowed by his license, he shall return  
to such retreat or inebriate reformatory. —

- 55.** Any such license may be revoked at any time by the visitors, Revocation of leave of absence.  
5 in the case of a retreat, and by the chief officer, in the case of an inebriate reformatory, by writing under their hands, and thereupon the habitual drunkard to whom the license related shall return to the retreat or inebriate reformatory.

*Expenses of Act.*

- 10 **56.** Subject as herein-after mentioned, all costs and expenses Payment of costs and expenses out of local rate.  
incurred in the execution of the powers given and in the discharge of the duties prescribed by this Act shall be defrayed out of the local rate.

- 57.** *The Commissioners of Her Majesty's Treasury may, from* Treasury may contribute towards expenses of inebriate reformatories.  
15 *time to time, contribute, out of moneys provided by Parliament, such sums as the Secretary of State thinks fit to recommend towards the expenses of establishing, building, altering, enlarging, or rebuilding any inebriate reformatory, or towards the purchase of land for a site for such inebriate reformatory, or towards the*  
20 *support of the inmates, or towards the expenses of the management of such reformatory.*

- 58.** A local authority may, with the approval of the Secretary of State, borrow money for the purpose of defraying or contributing Power to local authority to borrow money.  
towards the expense of establishing, building, altering, enlarging,  
25 or rebuilding, or purchasing a site for an inebriate reformatory under this Act.

- 59.** Any money borrowed by a local authority under this Act Money borrowed to be charged on local rate.  
may be charged upon and made payable out of the local rate, or on any other property applicable to the purpose; and shall be repaid,  
30 together with the interest due thereon, out of such rate or other property.

- 60.** The clauses of the Commissioners Clauses Act, 1847, with Incorporation of sections 75 to 88 inclusive (except s. 84) of 10 & 11 Vict. c. 16.  
respect to mortgages to be executed by the Commissioners, with the exception of the 84th clause, shall be incorporated with this Act,  
35 and every mortgagee or assignee in security shall have power to enforce payment of the arrears of interest or arrears of principal due to him, by the appointment of a receiver.

In the construction of this Act and the said incorporated clauses of the Commissioners Clauses Act, 1847, this Act shall be deemed

A.D. 1877. — to be “the special Act,” and the local authority shall be deemed to be “the Commissioners.”

Repayment  
of borrowed  
moneys.

**61.** Where a local authority borrows any money under this Act, they shall charge the local rate or other property, out of which the money borrowed is payable, not only with the interest of the money 5 so borrowed, but also with the payment of such further sum as will ensure the repayment of the whole sum borrowed within thirty years.

Expense of  
conveyance.

**62.** The expense of conveying to a retreat or inebriate reformatory an habitual drunkard ordered to be placed therein under this Act 10 shall, subject as herein-after mentioned, be defrayed by the police authorities by whom he is conveyed, and shall be deemed to be part of their current expenses.

Power to  
order pay-  
ment by  
habitual  
drunkard of  
costs of  
maintenance.

**63.** Any person committed as an habitual drunkard to a retreat or to an inebriate reformatory may be ordered by the justices so 15 committing him and by the order committing him, or by any two justices having jurisdiction in the district for which such retreat or reformatory is established, and either during the detention of such habitual drunkard in such retreat or inebriate reformatory or at any time within twelve months of his discharge from the same, to pay 20 the cost of his conveyance to such retreat or reformatory and of his maintenance therein to the proprietor of such retreat, or to the treasurer, or chief officer of such reformatory; and the amount so ordered to be paid shall be deemed to be a judgment-debt due by the person liable thereto to the person in such order mentioned. 25

Order on  
relatives of  
habitual  
drunkard for  
contribution.

**64.** The parent, husband, wife, child, or other person or persons legally liable to maintain any habitual drunkard detained in a retreat or in an inebriate reformatory, shall, if of sufficient ability, contribute to his support and maintenance therein a sum not exceeding *fourteen shillings* a week. 30

On the complaint of the proprietor of a retreat, or the treasurer or chief officer of a retreat, or of any agent of the said proprietor, treasurer, or chief officer, or of any guardian or overseer of a union or parish to which the habitual drunkard would be chargeable as a pauper, at any time during the detention of the 35 habitual drunkard in the retreat or reformatory, the justices having jurisdiction at the place where the parent, husband, wife, child, or other person or persons liable as aforesaid resides or reside, may, on summons to such parent, husband, wife, child, or other person or persons liable as aforesaid, examine into his, her, or their ability, 40 and may, if the justices think fit, make an order on him, her, or

them, for the payment to the proprietor of such retreat or to the treasurer, or chief officer of such inebriate reformatory, or to an agent of such proprietor, treasurer, or chief officer, of such weekly sum, not exceeding *fourteen shillings* per week, as to such justices  
 5 seems reasonable, during the whole or any part of the period for which the habitual drunkard is liable to be detained in such retreat or reformatory.

A.D. 1877.

**65.** It shall be lawful for the justices by whom any habitual drunkard, being a pauper, is sent to a retreat or to an inebriate  
 10 reformatory under this Act, or for any two justices of the county or borough in which the reformatory in which any habitual drunkard is confined is situate, or from any part of which any habitual drunkard has been sent, or for any two visitors of such retreat or reformatory, being justices, to make an order upon the guardians  
 15 of the union or parish, or the overseers of the parish (if not in a union or under a board of guardians) from which such habitual drunkard is or has been sent, for payment to the proprietor of such retreat, or to the treasurer, or chief officer of such inebriate reformatory, of the reasonable charges of the maintenance of such  
 20 habitual drunkard in such retreat or reformatory; and any such order may be retrospective or prospective, or partly retrospective and partly prospective, and the guardians and overseers on whom such order shall be made shall, from time to time, pay to the said proprietor, treasurer, managers, or chief officer the charges aforesaid.

Power to make order on guardians.

**66.** Every order for payment of the expenses of maintenance of an habitual drunkard detained in a retreat under this Act, or in an inebriate reformatory under this Act, may specify the time during  
 25 which such payment is to be made, or may be until further order.

Orders may specify time of payment.

**67.** The justices may, from time to time, by order remit or vary  
 30 all or any part of any payment ordered to be made by or on behalf of an habitual drunkard detained in a retreat or in an inebriate reformatory. Such order remitting or varying any payment so ordered may be made at the discretion of the justices at any time, or on the application either of the person on whom the order is  
 35 made, or of the treasurer, managers, or chief officer of the retreat or inebriate reformatory, as the case may be, or of any agent of such treasurer, managers, or chief officer, on eight days notice being first given of such application.

Power to remit or vary payment.

**68.** The visitors of retreats and inebriate reformatories, being  
 40 justices, may, if they shall think fit, allow to any witness summoned to appear before them his reasonable expenses, to be paid out of the local rate of the district for which such visitors act.

Expenses of witnesses.

A.D. 1877.

Payments to go in aid of local rate.

Fees to be carried to account of local rate.

Penalty for false statements.

Offences by visitors, clerks to local authorities and to visitors, proprietors of retreats, and chief officers of inebriate reformatories.

Offences by officers, servants, and other persons.

Offences by habitual drunkards while de-

**69.** Every payment made by or on behalf of an habitual drunkard otherwise than out of the local rate shall go in relief of the charges on the local rate.

**70.** All fees for licenses and searches and other fees, if any, under this Act shall be paid over to the clerk of the local authority, 5 and shall be accounted for by him to the local authority, and shall be carried to the account of the local rate.

*Offences.*

**71.** If any person, in applying for a license or a certificate under this Act, or a renewal or transfer of any such license, makes any 10 statement knowing the same to be false, he shall be deemed guilty of an offence against this Act.

**72.** If any visitor, clerk of local authority, clerk of visitors, proprietor of any retreat, or chief officer of any inebriate reformatory, knowingly and wilfully fails to comply with the provisions of this 15 Act, or does anything in contravention of the provisions of this Act, he shall be deemed guilty of an offence against this Act. Provided always, that no proceedings shall be taken against a visitor except by leave of the local authority.

**73.** If any person does any of the following things :— 20

- (1.) Ill-treats, or, being an officer, servant, or other person employed in or about a retreat or inebriate reformatory, wilfully neglects, any habitual drunkard detained in such retreat or inebriate reformatory :
- (2.) Induces or knowingly assists an habitual drunkard detained 25 in a retreat or inebriate reformatory to escape therefrom :
- (3.) Knowingly harbours, conceals, or prevents from returning to the retreat or inebriate reformatory, or assists in harbouring, concealing, or preventing from returning to such retreat or reformatory, an habitual drunkard who 30 has escaped from such retreat or reformatory :
- (4.) Without lawful authority (proof whereof shall lie on him) brings into any retreat or inebriate reformatory, or gives to any person detained therein, or supplies, or aids, or allows any person detained therein to obtain any intoxi- 35 cating liquor, or sedative or stimulant drug or preparation :

he shall be deemed guilty of an offence against this Act.

**74.** If an habitual drunkard, while detained in a retreat or in an inebriate reformatory, wilfully neglects or wilfully refuses to 40 conform to the rules thereof, he shall be deemed guilty of an

offence against this Act; and, at the expiration of his imprisonment (if any) for such offence, he shall, by and at the expense of the local rate, be brought back to the retreat or reformatory in which he was previously confined, there to be detained for the like  
5 time, in the whole, as if he had not been imprisoned.

75. If an habitual drunkard escapes from a retreat or inebriate reformatory, or from the person with whom he is placed out under a license, he may at any time before the expiration of his prescribed period of detention be retaken by any officer, attendant, servant,  
10 or other person employed in or about such retreat or inebriate reformatory, or by any peace officer, without warrant, and be detained as if he had not escaped.

76. Any person guilty of an offence against this Act shall be liable, on summary conviction, to a penalty not exceeding *twenty*  
15 *pounds*, or, at the discretion of the Court, to be imprisoned for any term not exceeding *six months*, with or without hard labour.

77. In case of the death of any person detained in any retreat or inebriate reformatory, a statement of the cause of the death of such person, with the name of any person present at the death, shall  
20 be drawn up and signed by the principal medical attendant of such retreat or inebriate reformatory, and copies thereof, duly certified in writing by the proprietor of such retreat, or by the chief officer of such inebriate reformatory, shall be by him transmitted to the registrar of deaths for such district, to the clerk of the local  
25 authority, and to the clerk of the visitors of such retreat or reformatory.

Every medical attendant who shall neglect or omit to draw up and sign such statement as aforesaid, and every proprietor of a retreat, or chief officer of an inebriate reformatory, who shall  
30 neglect or omit to certify and transmit such statement as aforesaid shall, for every such neglect or omission, forfeit and pay a sum not exceeding *fifty pounds*.

78. If any person fails to appear on a summons by the visitors without reasonable excuse, or appears and refuses to be sworn or  
35 examined, he shall be liable, on summary conviction, to a penalty not exceeding *five pounds*.

79. Every officer, attendant, servant, or other person employed in and about a retreat or an inebriate reformatory, authorised by the proprietor of such retreat or chief officer of the reformatory,  
40 in writing under his hand, to take charge of any habitual drunkard detained under this Act for the purpose of conveying him to or from the retreat or inebriate reformatory, or bringing

A.D. 1877.

tained in  
retreats or  
inebriate re-  
formatories.  
See 29 & 30  
Vict. c. 117.  
s. 20.;  
c. 118. s. 32.  
Escape from  
retreat or re-  
formatories.

Penalty for  
offence  
against Act.

Proceedings  
on death of  
person de-  
tained.

Penalty for  
neglect or  
omission.

Penalty for  
not appear-  
ing.

Protection of  
officers, &c.

A.D. 1877. him back to the retreat or inebriate reformatory, in case of his escape or refusal to return, shall, for such purpose and while engaged in such duty, have all such powers, authorities, protection, and privileges for the purpose of the execution of his duty, as any constable duly appointed has in the performance of his duty by 5 common law, statute, or custom.

Summary  
Jurisdiction  
Acts.

80. The Summary Jurisdiction Acts shall apply to all offences, payments, and orders in respect of which jurisdiction is given to justices or to any court of summary jurisdiction by this Act, or which are directed to be prosecuted, enforced, or made before 10 justices, or before a court of summary jurisdiction, or in a summary manner, or upon summary conviction.

Appeals.

81. If any person thinks himself aggrieved by any conviction or order of the justices, or of a court of summary jurisdiction, he may appeal therefrom, subject to the conditions and regulations 15 following :—

- (1.) The appeal shall be made to some court of general or quarter sessions for the county, borough, or place in which the cause of appeal has arisen, held not less than fifteen days and (unless adjourned by the court) not 20 more than four months after the decision or refusal appealed from :
- (2.) The appellant shall, within seven days after the cause of appeal has arisen, give notice to the other party and to the clerk of the court appealed from of his intention 25 to appeal, and of the ground thereof :
- (3.) The appellant shall, immediately after such notice, enter into a recognizance before a justice with two sufficient sureties conditioned personally to try the appeal, and to abide the judgment of the appellate court thereon, and 30 to pay such costs as may be awarded by the court, or give such other security, by deposit of money or otherwise, as the justice allows :
- (4.) Where the appellant is in custody any justice having jurisdiction in such complaint may, if he thinks fit, on 35 the appellant entering into such recognizance or giving such other security as to such justice shall seem sufficient, release him from custody :
- (5.) The appellate court may adjourn the appeal ; and, on the hearing thereof, they may confirm, reverse, or modify 40 the decision appealed from, or remit the matter, with the opinion of the appellate court thereon, or make such other

order in the matter as the court thinks just, and may make such order as to costs to be paid by either party as the court thinks just. A.D. 1877.

- 82.** No order or conviction of justices or of a court of summary jurisdiction against which a person is authorised by this Act to appeal shall be quashed for want of form, or be removed by certiorari, or otherwise, at the instance either of the Crown or of any private party into the High Court of Justice or any other court. Proceedings not to be quashed though defective in form.
- 83.** An order of commitment or warrant by justices or by a court of summary jurisdiction under this Act shall not be held void by reason of any defect therein, if only there is a valid conviction to maintain the order of commitment or warrant, and it is alleged therein that the party has been convicted. Orders of commitment not to be void if conviction good.
- 84.** Any action against any person for anything done in pursuance or execution or intended execution of this Act shall be commenced within *two years* after the thing done, and not otherwise. Limitation of actions.
- Notice in writing of every such action and of the cause thereof shall be given to the intended defendant *one month* at least before the commencement of the action.
- In any such action the defendant may plead generally that the act complained of was done in pursuance or execution or intended execution of this Act, and give this Act and the special matter in evidence.

#### *Miscellaneous.*

- 85.** The time during which a person is detained in a retreat or in an inebriate reformatory shall for all purposes be excluded in the computation of time mentioned in section one of the Act of the ninth and tenth years of the reign of Her present Majesty, chapter sixty-six, intituled "An Act to amend the laws relating to the removal of the poor," as amended by any other Act. Time to run from discharge from retreat or reformatory.
- 86.** Persons who hold their estates subject to any condition of residence shall not incur any forfeiture through being detained in any retreat or inebriate reformatory. No forfeiture for non-fulfilment of condition of residence.
- 87.** The Secretary of State may, subject as herein mentioned, prescribe the fees to be paid in carrying out the provisions of this Act. Fees to be prescribed.
- 88.** This Act shall not extend to Scotland or Ireland. Extent of Act.



A.D. 1877.

The SCHEDULES referred to in the above Act.

The FIRST SCHEDULE.

District.	Local Authority.	Local Rate.	Clerk of Local Authority.	
Borough, town, or city corporate having a separate court of quarter sessions, recorder, and clerk of the peace.	The justices of the peace for the borough, town, or city in general or quarter or special sessions assembled.	The borough rate, or borough fund, including any fund assessed on or raised in or belonging to the borough, town, or city, applicable to purposes to which the borough fund is applicable.	The clerk of the peace for the borough, town, or city, or the person acting as such, or a deputy duly appointed.	5 10 15
County, riding, divisions, or parts of a county, liberty, or other place having a separate commission of the peace not being a county of a city, or a county of a town, or a borough, town, or city corporate as aforesaid.	The justices of the peace for the county or any place in general or quarter or special sessions assembled.	The county rate, including any fund assessed on, or raised in, or belonging to the county, applicable to the purposes to which the county rate is applicable.	The clerk of the peace for the county or place, or the person acting as such, or a deputy duly appointed.	20 25

**A.D. 1877.**

## APPLICATION FOR LICENSE OF RETREAT.

**5 To the justices of the peace for the county [or borough] of [ ].**

And I undertake to give my personal attention to the management, care, and treatment of the house and patients.

15      *Name* \_\_\_\_\_      *Name* \_\_\_\_\_  
          *Address* \_\_\_\_\_      *Address* \_\_\_\_\_  
          *Description* \_\_\_\_\_      *Description* \_\_\_\_\_

[House to be described with the following (among other) particulars; and a plan on a scale of not less than one-eighth of an inch to a foot to accompany the description and be referred to  
20 therein:—

- a. *Dimensions of every room.*
- b. *Arrangements for separation of sexes.*
- c. *Quantity of land available for exercise and recreation of patients.*
- d. *Extent of applicant's interest in the house.*

## RULES.

1. An application may include two or more houses belonging to the same person or persons, provided no one of the houses is separated from another or others of them otherwise than by land  
30 in the same occupation and by a road, or in either of those modes.
2. The application is to be made not less than *ten* days before the sessions at which it is to be considered.
3. The clerk of the local authority is to give notice of the application having been made, by advertisement, published in a news-  
35 paper circulating in the district of the local authority *six* days at least before the same sessions.

A.D. 1877.  
—

## FORM No. II.

## LICENSE.

*The Habitual Drunkards Act, 1877.*

County [*or* borough] of { This is to certify that in pursuance of  
the above-mentioned Act the justices 5  
of the peace acting in and for the  
county [*or* borough] of , upon the application of  
*A.B.*, a copy whereof is indorsed on this license, have licensed and  
do hereby license the said *A.B.* to use the house described in that  
application for the reception of persons being habitual drunkards as 10  
follows; namely, male [*or* female, *or* male  
and female] patients for calendar months from  
this date.

*Dated this*                      *day of*                      1877.

(Signed), \_\_\_\_\_ 15  
*Clerk of the Local Authority.*

## RULES.

1. A fee of *ten* shillings is to be paid for the license.
2. The clerk of the local authority, within *ten* days after a license  
has been granted, is to give notice of the granting thereof by adver- 20  
tisement published in a newspaper, circulating in the district of the  
local authority, and is to send a copy of the license to the Secretary  
of State, and to the clerk of the visitors.

## FORM No. III.

## REQUEST FOR RECEPTION INTO RETREAT.

25

*A. By Habitual Drunkard.**The Habitual Drunkards Act, 1877.*

To

I, the undersigned, hereby request you to receive me as a patient  
in your retreat at                      in accordance with the 30  
above-mentioned Act, and I undertake to remain therein for  
at least, unless sooner duly discharged, and

The above named \_\_\_\_\_ signed this application in my presence, and at the time of his so doing I stated the effect of this application to him, and he appeared perfectly to understand the same.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

10	<i>Witness's</i>	<i>Applicant's</i>
	<i>Name in full.</i>	<i>Name in full.</i>
	<i>Address.</i>	<i>Address.</i>
	<i>Description.</i>	<i>Description.</i>

15           A like form, varied to meet the particular case.

20 Be it remembered, that on the  
day of \_\_\_\_\_, in pursuance of the  
Habitual Drunkards Act, 1877, [we,  
two of Her Majesty's Justices of  
the peace for the said County of, *or*  
25 *as the case may be*, do] order that  
\_\_\_\_\_ of \_\_\_\_\_, being  
a person subject to the provisions of the said Act, be sent to the  
Retreat at \_\_\_\_\_ and that he be detained there for curative  
treatment during \_\_\_\_\_

*Justices for*

A.D. 1877.

## SCHEDULE III.

## PART I.

*Declaration of Visitor.*

I, do solemnly and sincerely declare that I will discreetly, impartially, and faithfully execute all the trusts and 5 powers committed to me by virtue of the Habitual Drunkards Act, 1877, and that I will keep secret all matters coming to my knowledge in the execution of my office, except when required to divulge the same by legal authority, and except as far as I shall consider myself bound to divulge the same for the better execution of the 10 duties imposed upon me by that Act.

## PART II.

*Declaration of Clerk of Visitors.*

I, do solemnly and sincerely declare that I will discreetly, impartially, and faithfully execute all the trusts and 15 powers committed to me by virtue of The Habitual Drunkards Act, 1877, and that I will keep secret all matters coming to my knowledge in the execution of my office, except when required to divulge the same by legal authority.

## PART III.

20

*Rules as to Visitation of Retreats.*

1. The visitors, when visiting a retreat licensed under the provisions of this Act, at their periodical visitations, shall inspect every part thereof, and of the grounds thereof, and every outhouse, building, and place communicating therewith, or, although de- 25 tached, not separated therefrom by ground belonging to a person other than the proprietor of such retreat, and shall see every patient therein, and make such inquiries as they shall think fit respecting such retreat and the patients.

2. The proprietor shall show to the visitors every part of the 30 retreat and the grounds attached thereto included in his license, and every patient therein, and his license, and all his books, and all documents relating to such retreat required to be kept by him or called for by the visitors, and shall answer all inquiries of the visitors relating to the retreat and grounds or to the patients 35 or former patients.

3. Any visitors may, from time to time, if they shall think fit, visit and inspect any retreat under this Act; and, if it is within the district for which such visitors are appointed, at any hour of the night. A.D. 1877

5    4. Any two visitors, one being a medical visitor, may, from time to time, make such special visits to a retreat under this Act as they may think fit.

10    5. The proprietor of every retreat under this Act, within *two* days after a periodical or other visitation of the retreat, shall send a copy of the entries made by the visitors in the several books kept by him in the retreat to the clerk of the visitors of such retreat and to the clerk of the local authority of the district in which such retreat is situate. The copy sent to the clerk of the local authority shall, as speedily as may be, be laid before such local authority.

# Habitual Drunkards.

A

## B I L L

To facilitate the control and care of  
Habitual Drunkards.

*(Prepared and brought in by  
Dr. Cameron, Mr. Clare Read, Mr. Ashley,  
Sir Henry Jackson, Mr. Edward Jenkins, and  
Mr. Richard Smyth.)*

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*Ordered, by The House of Commons, to be Printed,  
28 February 1877.*

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[105.]

*Under 4 oz.*

A

## B I L L

TO

Amend the Law relating to Costs in the High Court of Justice. A.D. 1877.

**W**HEREAS it is just and expedient that a successful litigant be indemnified, so far as possible, against the costs reasonably incurred by him in the ordinary course of the litigation :

And whereas under the system of taxing costs as between party and party, a successful litigant is liable to bear a large proportion of those costs :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Costs Act, 1877.

Short title.

2. Where in any legal proceeding in the Supreme Court of Judicature the costs of any party to the proceeding are ordered to be paid or borne by another party to the proceeding, or by a fund or estate, those costs shall, unless the court for special reasons otherwise directs, include, in addition to the costs now allowed on taxation as between party and party, all other costs, charges, and expenses reasonably incurred in or incidental to or for the purposes of the proceeding.

Rule as to allowance of costs.

Provided that this Act shall not apply to any proceeding for the recovery of a penalty.

[Bill 99.]











# High Court of Justice (Costs).

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A

## B I L L

To amend the Law relating to Costs in  
the High Court of Justice.

(Prepared and brought in by  
Sir Henry Jackson, Mr. Leeman, and  
Mr Alfred Marten.)

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*Ordered, by The House of Commons, to be Printed,  
21 February 1877.*

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[Bill 99.]

*Under 1 oz.*

A  
B I L L

TO

Amend the Law of Homicide.

A.D. 1877.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 1. In any trial for murder, where the jury find a verdict of guilty, capital punishment shall not be awarded against the prisoner unless the jury add to their verdict the words "with premeditation".

In trials for murder capital punishment re-stricted to certain find-ing by jury.

10 2. In any trial for murder, where the jury find a verdict of guilty without such additional words, the prisoner convicted shall be punishable with penal servitude for life, or for any period not exceeding *twenty years* nor less than *ten years*, at the discretion of the presiding judge.

Punishment to be awarded where jury do not find act com-mitted with premedita-tion.

15 3. Premeditation for the purposes of this Act is the wilful and unlawful design to take human life, conceived either before or at the time of the offence committed from which death ensues.

Definition of premedi-tation for purposes of this Act.

20 4. In any trial in which the mother of a child is charged with the murder thereof she shall not on conviction be liable to capital punishment if the facts adduced in evidence have shewn that the death of the child was caused by the wilful and unlawful act of its mother either at the time of birth or within seven days after, but the punishment to be awarded in such case shall, at the discretion of the presiding judge, be either penal servitude for life or for any period not less than *five years* or imprisonment with or without  
25 hard labour for any period not exceeding *two years*.

Infanticide by mother of child to ex-empt her from capital punishment in certain cases.

[Bill 104.]







# Homicide Law Amendment.

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A

## B I L L

To amend the Law of Homicide.

(Prepared and brought in by  
Sir Eardley Wilmot and Mr. Whitwell.)

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*Ordered, by The House of Commons, to be Printed,  
28 February 1877.*

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[Bill 104.]

*Under 1 oz.*

A  
B I L L

TO

Relieve certain Occupiers of Dwelling-houses from being A.D. 1877.  
disqualified from the right of voting in the Election of  
Members to serve in Parliament by reason of their under-  
letting such Dwelling-houses for short terms.

**W**HEREAS questions have arisen upon the occupation required  
by the third section of the Representation of the People Act,  
1867 :

Be it therefore enacted by the Queen's most Excellent Majesty,  
5 by and with the advice and consent of the Lords Spiritual and  
Temporal, and Commons, in this present Parliament assembled, and  
by the authority of the same, as follows :

1. This Act shall be cited for all purposes as "The House Occu- Short title.  
piers Disqualification Removal Act, 1877."

10 2. *From and after the passing of this Act* every man shall be Letting as  
furnished  
house for  
certain  
periods not  
to disqualify.  
entitled to be registered and to vote under the provisions of the said  
section notwithstanding that during a part of the qualifying period  
not exceeding *six months* in the whole he shall by letting or other-  
wise have permitted the qualifying premises to be occupied as  
15 a furnished house by some other person.





# House Occupiers Dis- qualification Removal.

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A

## B I L L

To relieve certain Occupiers of Dwelling-houses from being disqualified from the right of voting in the Election of Members to serve in Parliament by reason of their underletting such Dwelling-houses for short terms.

*(Prepared and brought in by  
Sir Henry Wolff, Sir Charles Russell, Sir Charles  
Legard, Mr. Onslow, and Mr. Ryder.)*

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*Ordered, by The House of Commons, to be Printed,  
9 February 1877.*

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[Bill 23.]

*Under 1 oz.*

A  
B I L L

TO

Abolish the Landlord's Right of Hypothec in Scotland as far A.D. 1877.  
as relates to Agricultural Subjects.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5**   1. *From and after the eleventh day of November one thousand eight hundred and seventy-eight*, the landlord's right of hypothec for the rent of land exceeding *two* acres in extent, let for agriculture or pasture shall cease and determine : Provided that nothing herein contained shall apply to any claim for rent due under any
- 10** lease, writing, or bargain current at the date of the commencement of this Act, and payable at any term of payment thereafter.
2. *From and after the commencement of this Act* the landlord of any land exceeding two acres in extent, and let for agriculture or pasture, shall have the same remedy against his tenant when *six*
- 15** *months* rent is due and unpaid as is now provided by the law of Scotland when twelve months rent is due and unpaid.
- Landlord's  
hypothec to  
cease after  
11th No-  
vember 1878.
- Landlord's  
remedy when  
six months  
rent is due  
and unpaid.







# Hypothec (Scotland).

A

## B I L L

To abolish the Landlord's right of Hypothec in Scotland as far as relates to Agricultural Subjects.

(*Prepared and brought in by  
Mr. Agnew, Sir William Stirling Maxwell,  
Mr. Baillie Hamilton, and Sir George Douglas.*)

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*Ordered, by The House of Commons, to be Printed,  
9 February 1877.*

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[Bill 32.]

*Under 1 oz.*

[40 VICT.]      *Imprisonment for Debt Abolition.*

A  
B I L L

TO

Abolish Imprisonment for Debt.

A.D. 1877.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5    1. The power of imprisonment under the fifth section of the Debtor's Act, 1869, shall not, after the *last day of December one thousand eight hundred and seventy-six*, be exercised by any court or judge other than a superior court of law or of equity or a judge thereof.
- Inferior courts not to imprison for debt.

[Bill 49.]





# **Imprisonment for Debt Abolition.**

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**A**

## **B I L L**

**To abolish Imprisonment for Debt.**

*(Prepared and brought in by  
Mr. Bass, Mr. Fielden, Mr. Cobbett,  
Mr. Anderson, and Mr. Knowles.)*

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*Ordered, by The House of Commons, to be Printed,  
9 February 1877.*

---

[Bill 49.]

*Under 1 oz.*

## A

## B I L L

## FOR

The Abolition of Imprisonment for Debt in Civil Actions      A.D. 1876.  
in certain Cases.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5    **1.** A defendant in any action in any court against whom the plaintiff proceeds by foreign attachment may, instead of rendering himself to prison or giving bail, appear to the action in the same way as he might appear if served with the ordinary process of the court, and such appearance shall, without any further proceedings,  
10 put an end to the foreign attachment.

Where  
process of  
foreign  
attachment  
is resorted  
to, defendant  
may put an  
end to it by  
entering an  
appearance  
as in ordi-  
nary cases.







# **Imprisonment for Debt.**

A

## **B I L L**

For the Abolition of Imprisonment for  
Debt in Civil Actions in certain Cases.

*(Prepared and brought in by  
Sir Eardley Wilmot, Mr. Staveley Hill, and  
Mr. Watkin Williams.)*

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*Ordered, by The House of Commons, to be Printed,  
4 July 1877.*

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[Bill 230.]

*Under 1 oz.*

A

## B I L L

INTITULED

An Act to authorise the inclosure of certain lands in pursuance of a Report of the Inclosure Commissioners for England and Wales. A.D. 1877.

**W**HEREAS the Inclosure Commissioners for England and Wales have, in pursuance of the Inclosure Acts, 1845 to 1876, issued their Provisional Orders, set forth in the Schedule to this Act, for the four proposed inclosures therein mentioned, and have  
 5 in their First Report under the Commons Act, 1876, certified their opinion that such inclosures would be expedient, but the same cannot be proceeded with without the previous authority of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty,  
 10 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Provisional Orders set forth in the Schedule to this Act are hereby confirmed, subject to the following conditions:

- 15 (a.) That in each of the said four proposed inclosures the allotment for recreation grounds which is prescribed by the Provisional Order relative thereto shall be increased by not less than two acres:
- 20 (b.) That in the proposed inclosure of Riccall the allotment for field gardens which is prescribed by the Provisional Order relative thereto shall be increased by ten acres:
- 25 (c.) That such increase of the allotments for recreation grounds and field gardens respectively shall be provided by means of a voluntary surrender by some person or persons interested in the lands respectively proposed to be inclosed of part of the allotment or allotments to which he or they would but for such increase have been entitled.

2. This Act may be cited as the Inclosure Provisional Orders Confirmation Act, 1877. Short title.

[Bill 262.]

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A.D. 1877.

SCHEDULE.BARROWDEN.*Provisional Order for the Inclosure of a Common.*

WHEREAS persons interested in certain lands called or known as the Open Field Land, Cow Pasture, and Commons, situate in the parish of Barrowden, 5 and the Heath, or so much thereof as is within the said parish, in the county of Rutland, such lands being a common within the meaning of "The Inclosure Acts, 1845 to 1876," have made application to the Inclosure Commissioners for England and Wales to issue a Provisional Order for the inclosure of such common, and to certify that it is expedient that such Provisional Order should 10 be confirmed by Parliament:

And whereas it has been made to appear to the said Commissioners that the persons making the said application represent at least one third in value of such interests in the said common as are proposed to be affected by the Provisional Order: 15

And whereas the said Commissioners, having taken the said application into consideration, were satisfied that a *prima facie* case had been made out, and that, regard being had to the benefit of the neighbourhood as well as to private interests, it was expedient to proceed further in the matter, and accordingly ordered a local inquiry to be held by an Assistant Inclosure Commissioner: 20

And whereas the said Assistant Commissioner, having inspected the said common, and having caused public notice to be given as required by the said Acts, held, pursuant to the said notice, public meetings on the fifth day of April one thousand eight hundred and seventy-seven, at eleven o'clock in the forenoon, and at seven o'clock in the evening, at the Exeter Arms Inn in the said parish, to hear 25 all persons desirous of being heard on the subject-matter of the said application and any information or evidence which might be offered in relation thereto, and inquired into the correctness of the statements in the said application, and otherwise into the expediency of making the Provisional Order applied for, and into the nature of the provisions to be inserted in such Provisional Order: 30

And whereas the said Assistant Commissioner duly reported in writing to the said Commissioners the result of the local inquiry and of the public meetings held by him, together with the information obtained by him as to the several particulars in the said application, and all other information required by the said Acts, and annexed to his report a map of the said common, a copy of 35 which map is hereto annexed:

And whereas the Most Honourable William Alleyne Marquis of Exeter, as lord of the hundred of Wrangdyke and manor of Barrowden, is entitled to the soil of the lands called the Shire Oaks, the Coppice Leys, and the Mole Hills, and of the Heath, or so much thereof as is within the said parish: 40

Now, therefore, in pursuance of the powers given to us by the said Acts, we, the Inclosure Commissioners for England and Wales, being satisfied that, having regard to the benefit of the neighbourhood as well as to private interests, the inclosure of the said common is desirable, have framed for the consideration of

the persons interested this our draft Provisional Order, specifying the terms and conditions on which, provided the necessary consents are given thereto, we are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament; that is to say, A.D. 1877.

- 5 That the village green in the centre of the village, and the small green at the east end of the village, containing together about three acres, and also four acres in East Field at or near the spot marked A on the map hereto annexed, be allotted for recreation ground.

- 10 That twenty acres in East Field, at or near the spot marked B on the said map, be allotted for field gardens.

That carriage roads, bridle roads, and footpaths be set out to the satisfaction of the Inclosure Commissioners as may be found necessary and convenient.

- 15 That one sixteenth part in value of the said lands called the Shire Oaks, the Coppice Leys, and the Mole Hills, and of the Heath, or so much thereof as is within the said parish of Barrowden, be allotted under the provisions of the said Acts to the said William Alleyne Marquis of Exeter, as lord of the said manor, in lieu of his right and interest in the soil of the said lands, inclusively of his right and interest in all mines, minerals, stone, and other substrata under the same, but exclusively of any right of pasturage or other right of common or interest in the nature of a right of common which  
20 may have been usually enjoyed by such lord or his tenants upon the said lands, which said right of pasturage or other right, if any, is to be compensated by allotments or otherwise, independently of the allotment hereby stipulated in respect of his right and interest in the soil.

- 25 In witness whereof, we have hereunto set our official seal this twenty-sixth day of April one thousand eight hundred and seventy-seven.

L.S.

### NORTH LUFFENHAM.

#### *Provisional Order for the Inclosure of a Common.*

- 30 WHEREAS persons interested in certain lands called or known as the Open Field Land, Cow Pasture, High Pasture, Great Meadow, and Little Meadow, situate in the parish of North Luffenham, in the county of Rutland, such lands being a common within the meaning of "The Inclosure Acts, 1845 to 1876,"  
35 have made application to the Inclosure Commissioners for England and Wales to issue a Provisional Order for the inclosure of such common, and to certify that it is expedient that such Provisional Order should be confirmed by Parliament :

- And whereas it has been made to appear to the said Commissioners that the persons making the said application represent at least one third in value of  
40 such interests in the said common as are proposed to be affected by the Provisional Order :

And whereas the said Commissioners, having taken the said application into consideration, were satisfied that a *prima facie* case had been made out, and

[262.]

A 2

A.D. 1877. that, regard being had to the benefit of the neighbourhood as well as to private interests, it was expedient to proceed further in the matter, and accordingly ordered a local inquiry to be held by an Assistant Inclosure Commissioner :

And whereas the said Assistant Commissioner, having inspected the said common, and having caused public notice to be given as required by the said Acts, held, pursuant to the said notice, public meetings on the sixth day of April one thousand eight hundred and seventy-seven, at eleven o'clock in the forenoon and at half-past seven o'clock in the evening, at the Fox and Hounds Inn, in the said parish, to hear all persons desirous of being heard on the subject-matter of the said application, and any information or evidence which might be offered in relation thereto, and inquired into the correctness of the statements in the said application, and otherwise into the expediency of making the Provisional Order applied for, and into the nature of the provisions to be inserted in such Provisional Order :

And whereas the said Assistant Commissioner duly reported in writing to the said Commissioners the result of the local inquiry and of the public meetings held by him, together with the information obtained by him as to the several particulars in the said application, and all other information required by the said Acts, and annexed to his report a map of the said common, a copy of which map is hereto annexed :

Now, therefore, in pursuance of the powers given to us by the said Acts, we, the Inclosure Commissioners for England and Wales, being satisfied that, having regard to the benefit of the neighbourhood as well as to private interests, the inclosure of the said common is desirable, have framed for the consideration of the persons interested this our draft Provisional Order, specifying the terms and conditions on which, provided the necessary consents are given thereto, we are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament ; that is to say,

That the piece of land in the Open Fields near the village and the school, at the spot marked A on the map hereto annexed, containing five acres one rood and eight perches, or thereabouts, be allotted for recreation ground.

That twenty acres in the Open Fields, adjoining the recreation ground, at or near the spot marked B on the said map, be allotted for field gardens.

That carriage roads, bridle roads, and footpaths be set out to the satisfaction of the Inclosure Commissioners as may be found necessary and convenient.

In witness whereof, we have hereunto set our official seal this twenty-sixth day of April one thousand eight hundred and seventy-seven.

L.S.

#### SOUTH LUFFENHAM.

40

#### *Provisional Order for the Inclosure of a Common.*

WHEREAS persons interested in certain lands called or known as the Open Fields, situate in the parish of South Luffenham, and the Heath (including

A.D. 1877.

Flasket or Plasket Leys), or so much thereof as is within the said parish, in the county of Rutland, such lands being a common within the meaning of "The Inclosure Acts, 1845 to 1876," have made application to the Inclosure Commissioners for England and Wales to issue a Provisional Order for the inclosure of such common, and to certify that it is expedient that such Provisional Order should be confirmed by Parliament :

And whereas it has been made to appear to the said Commissioners that the persons making the said application represent at least one third in value of such interests in the said common as are proposed to be affected by the Provisional Order :

And whereas the said Commissioners, having taken the said application into consideration, were satisfied that a *prima facie* case had been made out, and that, regard being had to the benefit of the neighbourhood as well as to private interests, it was expedient to proceed further in the matter, and accordingly ordered a local inquiry to be held by an Assistant Inclosure Commissioner :

And whereas the said Assistant Commissioner, having inspected the said common, and having caused public notice to be given as required by the said Acts, held, pursuant to the said notice, public meetings on the sixth day of April one thousand eight hundred and seventy-seven, at half-past ten o'clock in the forenoon and at seven o'clock in the evening, at the Fox and Hounds Inn, North Luffenham, to hear all persons desirous of being heard on the subject-matter of the said application, and any information or evidence which might be offered in relation thereto, and inquired into the correctness of the statements in the said application, and otherwise into the expediency of making the Provisional Order applied for, and into the nature of the provisions to be inserted in such Provisional Order :

And whereas the said Assistant Commissioner duly reported in writing to the said Commissioners the result of the local inquiry and of the public meetings held by him, together with the information obtained by him as to the several particulars in the said application, and all other information required by the said Acts, and annexed to his report a map of the said common, a copy of which map is hereto annexed :

And whereas the Right Honourable Gilbert Henry Baron Aveland, as lord of the manor of South Luffenham, is entitled to the soil of that part of the Heath known as Flasket Leys :

And whereas a difference is pending between the Most Honourable William Alleyne Marquis of Exeter as lord of the hundred of Wrangdyke and manor of Barrowden, and the said Right Honourable Gilbert Henry Baron Aveland as lord of the said manor of South Luffenham, as to the ownership of the soil of the Heath (exclusive of Flasket Leys), or so much thereof as is within the said parish of South Luffenham :

Now, therefore, in pursuance of the powers given to us by the said Acts, we, the Inclosure Commissioners for England and Wales, being satisfied that, having regard to the benefit of the neighbourhood as well as to private interests, the inclosure of the said common is desirable, have framed for the consideration of the persons interested this our draft Provisional Order, specifying the terms and conditions on which, provided the necessary consents are given thereto, we

A.D. 1877. are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament; that is to say,

That the plot of grass at the junction of the roads at the spot marked A on the map hereto annexed, and four acres in the Open Fields near the village at or near the spot marked B on the said map be allotted for recreation ground. 5

That 15 acres in the Open Fields adjoining the recreation ground at or near the spot marked C on the said map, be allotted for field gardens.

That carriage roads, bridle roads, and footpaths be set out to the satisfaction of the Inclosure Commissioners as may be found necessary and convenient.

That one sixteenth part in value of that part of the Heath known as Flasket Leys be allotted under the provisions of the said Acts to the said Gilbert Henry Baron Aveland as lord of the said manor of South Luffenham in lieu of his right and interest in the soil thereof, inclusively of his right and interest in all mines, minerals, stone, and other substrata under the same, but exclusively of any right of pasturage or other right of common, or interest in the nature of a right of common, which may have been usually enjoyed by such lord or his tenants upon the said land, which said right of pasturage or other right (if any) is to be compensated by allotments or otherwise independently of the allotment hereby stipulated in respect of his right and interest in the soil. 10 15

That one sixteenth part in value of the Heath (exclusive of Flasket Leys), or of so much thereof as is within the parish of South Luffenham, be allotted under the provisions of the said Acts to the owner of the soil thereof, in lieu of his right and interest in the soil thereof, inclusively of his right and interest in all mines, minerals, stone, and other substrata under the same, but exclusively of any right of pasturage or other right of common or interest in the nature of a right of common which may have been usually enjoyed by such owner or his tenants upon the said land, which said right of pasturage or other right, if any, is to be compensated by allotments or otherwise independently of the allotment hereby stipulated in respect of his right and interest in the soil. 20 25

In witness whereof, we have hereunto set our official seal, this twenty-sixth day of April one thousand eight hundred and seventy-seven. 30

L.S.

## RICCALL.

### *Provisional Order for the Inclosure of a Common.*

WHEREAS persons interested in certain lands called or known as Riccall Common, Riccall Dam, and the Open Fields, situate in the parish of Riccall, in the county of York, such lands being a common within the meaning of "The Inclosure Acts, 1845 to 1876," have made application to the Inclosure Commissioners for England and Wales to issue a Provisional Order for the inclosure of such common, and to certify that it is expedient that such Provisional Order should be confirmed by Parliament: 35 40

And whereas it has been made to appear to the said Commissioners that the persons making the said application represent at least one third in value

of such interests in the said common as are proposed to be affected by the Provisional Order: A.D. 1877.

And whereas the said Commissioners, having taken the said application into consideration, were satisfied that a *prima facie* case had been made out, and that, regard being had to the benefit of the neighbourhood as well as to private interests, it was expedient to proceed further in the matter, and accordingly ordered a local inquiry to be held by an Assistant Inclosure Commissioner:

And whereas the said Assistant Commissioner, having inspected the said common, and having caused public notice to be given as required by the said Acts, held, pursuant to the said notice, public meetings on the sixteenth day of February one thousand eight hundred and seventy-seven, at eleven o'clock in the forenoon and at seven o'clock in the evening, at the Drover's Inn, in the said parish, to hear all persons desirous of being heard on the subject-matter of the said application, and any information or evidence which might be offered in relation thereto, and inquired into the correctness of the statements in the said application, and otherwise into the expediency of making the Provisional Order applied for, and into the nature of the provisions to be inserted in such Provisional Order:

And whereas the said Assistant Commissioner duly reported in writing to the said Commissioners the result of the local inquiry and of the public meetings held by him, together with the information obtained by him as to the several particulars in the said application, and all other information required by the said Acts, and annexed to his report a map of the said common, a copy of which map is hereto annexed:

And whereas the Right Honourable Beilby Richard Baron Wenlock, as lord of the manor of Riccall, and as owner of all the estate and interest formerly held by the Ecclesiastical Commissioners for England as lords of the manor of Howden, in all and singular the waste lands and commons of such manor, situate in the parish of Riccall, is entitled to the soil of the said Riccall Common and Riccall Dam:

Now, therefore, in pursuance of the powers given to us by the said Acts, we, the Inclosure Commissioners for England and Wales, being satisfied that, having regard to the benefit of the neighbourhood as well as to private interests, the inclosure of the said common is desirable, have framed for the consideration of the persons interested this our draft Provisional Order, specifying the terms and conditions on which, provided the necessary consents are given thereto, we are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament; that is to say,

That four acres in West Field at or near the spot marked X on the map hereto annexed be allotted for recreation ground.

That six acres in North Field at or near the spot marked Y on the said map, and four acres in West Field at or near the spot marked Z on the said map, be allotted for field gardens.

That carriage roads, bridle roads, and footpaths be set out, under the direction of the Inclosure Commissioners, as may be found most commodious.

That one sixteenth part in value of the said Riccall Common and Riccall Dam be allotted, under the provisions of the said Acts, to the said Beilby



A.D. 1877. Richard Baron Wenlock, as lord of the said manor of Riccall, and as owner of the estate and interest formerly held by the Ecclesiastical Commissioners as aforesaid, in lieu of his right and interest in the soil of the said lands, exclusively of his right and interest in all mines, minerals, stone, and other substrata under the same, and also exclusively of any right of pasturage or other right of common, or interest in the nature of a right of common, which may have been usually enjoyed by the said Beilby Richard Baron Wenlock or his tenants upon the land to be inclosed, which said right of pasturage or other right, if any, is to be compensated by allotments or otherwise independently of the allotment hereby stipulated in respect of his right and interest in the soil. 10

And in respect of the mines, minerals, stone, and other substrata under the said Riccall Common and Riccall Dam, which are hereby excepted from the inclosure and reserved to the said Beilby Richard Baron Wenlock, it is hereby specified as follows ; that is to say,

That a right to enter the said lands when inclosed for the purpose of opening, working, or winning such mines, minerals, stone, and other substrata be reserved to the said Beilby Richard Baron Wenlock, compensation to be made by the persons exercising such right for any damage to the surface which may thereby be done. 15

In witness whereof, we have hereunto set our official seal, this twenty-third day of April one thousand eight hundred and seventy-seven. 20

L.S.

Inclosure. [H.L.]

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B I L L

INTITLED

An Act to authorise the inclosure of certain lands in pursuance of a Report of the Inclosure Commissioners for England and Wales.

(Brought from the Lords 23 July 1877.)

Ordered, by The House of Commons, to be Printed,  
23 July 1877.

[Bill 262.]

Under 1 oz.

A  
B I L L

FOR

The regulation of the Sale of Intoxicating Liquors in A.D. 1877.  
Ireland.

**W**HEREAS it is expedient to amend the laws relating to the sale of intoxicating liquors in Ireland :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and  
5 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. It shall not be lawful for any person to sell beer, ale, wine, spirits, or other distilled or fermented liquor, on any Saturday after the hour of *seven o'clock* in the afternoon, or to expose or keep the  
10 same or any of them for the purpose of such sale ; and all the provisions of any Act now in force whereby the sale or exposing for sale of intoxicating liquors, or the opening or keeping open of any premises for the sale of intoxicating liquors, is prohibited during any hours or times on any day are hereby extended to the hours  
15 between *seven* in the afternoon and *twelve* midnight of every Saturday.

Prohibition of sale of intoxicating liquors on Saturdays after 7 p.m.

2. All penalties now in force under the provisions of any Act for selling or exposing for sale, or purchasing or opening or keeping open any premises for the sale of intoxicating liquors, or being  
20 present in or upon any such premises during any hours or times on any day, and all provisions of any Acts now in force in reference to such penalties, are hereby extended to any violation of the provisions of this Act.

Penalties for selling of intoxicating liquors during prohibited hours extended to violations of this Act.

13. The provisions of the twentieth section of the Act passed in  
25 the session of Parliament held in the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and seven, which authorise any inspector, or superintendent, or sergeant of police, or any county inspector, sub-inspector, head or other constable, to enter at any time between the hours of  
30 nine at night and seven in the morning into all houses licensed as  
[Bill 37.]

Supervision of refreshment houses.

A.D. 1877. — refreshment-houses under the authority of the said Act, and into and upon the premises belonging thereto, shall be and the same are hereby extended, so as to apply as well to all the hours of the day as to the time between the hours mentioned in the said section.

Extension of  
the third  
section of  
35 & 36 Vict.  
c. 94.

4. Any person keeping for sale by retail any intoxicating liquor 5 which he is not licensed to sell by retail, or keeping for sale by retail any intoxicating liquor at any place where he is not authorised by his license to sell the same, shall be subject to the several penalties enacted by the third section of the Licensing Act, 1872, with respect to the offences therein specified; and the provisions of 10 the said section shall extend to and include such keeping of intoxicating liquor for sale as aforesaid.

Construc-  
tion of Act.

5. The Licensing Acts (Ireland), 1872–1874, as amended by this Act, and this Act shall be construed together as one Act.

Exemptions.

6. Nothing in this Act shall be construed to apply to sales of 15 intoxicating liquor to bona fide travellers or to lodgers, or to the sale of intoxicating liquor in packet boats, or in canteens in pursuance of any Act regulating the same, or shall preclude the sale at any time at a railway station of intoxicating liquors to persons arriving at or departing from such station by railroad. 20

Commence-  
ment of Act.

7. This Act shall come into operation on the *first of October one thousand eight hundred and seventy-seven*; provided that nothing herein contained shall prohibit the sale of intoxicating liquor in pursuance of any license now held until the expiration of the period for which such license has been granted. 25

Short title.

8. This Act may be cited for all purposes as “The Intoxicating Liquors (Ireland) Amendment Act, 1877.”

Extension of  
Act.

9. This Act shall extend to Ireland only.



# **Intoxicating Liquors (Ireland).**

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A

**B I L L**

For the regulation of the Sale of Intoxicating Liquors in Ireland.

*(Prepared and brought in by  
Mr. Sullivan and Mr. Dease.)*

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*Ordered, by The House of Commons, to be Printed,  
9 February 1877.*

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[Bill 37.]

*Under 1 oz.*

# Intoxicating Liquors (Licensing Boards) Bill.

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## ARRANGEMENT OF CLAUSES.

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### Clause.

1. Short title.
2. Extent of Act.
3. Interpretation.
4. Transference of licensing powers to an elected board.
5. Powers of board.
6. No appeal from licensing board.
7. Procedure of board.
8. Board districts.
9. Board to be elected by ratepayers.
10. Voting powers of electors.
11. Qualification of members.
12. Expenses of the board to be paid out of local rates.
13. Authenticity of precepts.
14. Indemnification of members.
15. Number of members to board.
16. Appointment of officers.
17. Duties of magistrates clerks, &c.
18. Time of election.
19. Appointment of returning officer, and summons to preliminary meeting.
20. Days for transferring licenses.
21. Time of licensing meeting.
22. Poll.
23. Expenses of election to be paid out of local rates.
24. Casual vacancy.
25. Determination of disputes as to qualification of members of the board.
26. Quorum.
27. Vacancies in board.

[Bill 24.]

## Clause.

28. Disqualification of members of board.
  29. Causes of vacation of membership of board.
  30. Proceedings not to be vitiated by defect in election of members.
  31. Minutes signed by chairman receivable in evidence.
  32. Extraordinary meeting.
  33. Questions decided by majority.
  34. Record of members.
  35. Appointment of chairman.
  36. Vacancy in the office of chairman or vice-chairman.
  37. Absence of chairman.
  38. Casting vote of chairman.
  39. Appointment of officers.
  40. Occasional and canteen licenses.
  41. Billiard licenses.
-

A  
B I L L

TO

Provide for the election of Boards for granting Licenses for the sale of Intoxicating Drinks. A.D. 1877.

**W**HEREAS it is expedient to give to the ratepayers a more direct and immediate control over the traffic in intoxicating liquors :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

1. This Act may be cited as the Licensing Board Act, 1877. Short title.
2. This Act shall not extend to Scotland or Ireland. Extent of Act.
- 10 3. In this Act the term "granting a license" also means "granting a license by way of renewal." Interpretation.
- 15 4. The power of granting, withholding, and transferring licenses for the sale of intoxicating liquors at present vested by ninth of George the Fourth, chapter sixty-one, thirty-fifth and thirty-sixth of Victoria, chapter ninety-four, thirty-seventh and thirty-eighth of Victoria, chapter forty-nine, and various other Acts of Parliament in the licensing justices and the licensing committees of justices shall, on and after such day as hereafter provided, cease to be vested in, exercised, or exercisable by the aforesaid justices and committees of justices, and shall be vested in, exercised, and exercisable by elected licensing boards. Transference of licensing powers to an elected board.
- 20 5. The licensing board in its capacity as such shall possess the same rights and obligation, subject to the provisions hereafter stated, as those hitherto possessed by the licensing justices and

[Bill 24.]

A



A.D. 1877. licensing committees of justices, and all acts, orders, and regulations done and made by the licensing board shall have equal force and authority with those hitherto done and made by the licensing justices and licensing committees of justices in the lawful exercise of their functions as such. 5

No appeal  
from licens-  
ing board.

6. No appeal shall lie from any decision of the licensing board; provided, nevertheless, that nothing in this Act contained shall limit or otherwise affect the right to make any application to Her Majesty's High Court of Justice, or any division thereof, in reference to the granting, withholding, or transferring a license by the licensing board, that may now be made in reference to the granting, withholding, or transferring a license by the licensing justices. 10

Procedure  
of board.

7. Subject to the provisions hereafter stated, application for licences, together with the preliminary proceedings incidental thereto, and all other matters relating to the granting, withholding, or transferring licenses, shall be conducted, as near as may be, in the same manner as heretofore; provided that such changes as may be deemed more convenient for the despatch of business shall be made by a majority of not less than two thirds of the board, subject to the approval of Her Majesty's Secretary of State for the Home Department. 15 20

Board dis-  
tricts.

8. The licensing board districts shall be identical in respect to area and limits with those of the poor law unions, and such alterations in respect to area and limits of the poor law unions as may hereafter be made by the Poor Law Board shall equally apply to the licensing board districts. 25

Board to be  
elected by  
ratepayers.

9. On such day in the month of February in the counties of Surrey and Middlesex, and on such day in the month of July in the other counties of England and Wales, as hereafter provided in every licensing board district, a licensing board shall be constituted and chosen, and such licensing board shall be elected by all persons not less than twenty-one years of age, and not subject to legal incapacity, who are rated or liable to be rated to the relief of the poor in the parish or parishes forming each licensing board district. 30 35

Voting  
powers of  
electors.

10. At every election of a licensing board every voter shall be entitled to a number of votes equal to the number of the licensing board to be elected, but no elector may give more than one vote to each candidate. 40

11. The licensing board elected under this Act shall consist only of persons residing and being rated or liable to be rated to the relief of the poor within such licensing board district.

A.D. 1877.

Qualification of members.

12. All expenses incidental to the due exercise of the licensing board functions shall be paid out of the local rates, and for that purpose a precept shall be issued, directed to the local authorities, signed by the chairman and two other members of the board, and countersigned by the clerk. The receipt signed by the chairman and countersigned by the clerk shall be a sufficient discharge.

Expenses of the board to be paid out of local rates.

13. All precepts issued by the board shall be deemed to be duly executed if signed in the manner aforesaid; and in any legal proceedings it shall be presumed, until the contrary is proved, that the chairman and two members in signing any precept were authorised so to do.

Authenticity of precepts.

14. Members of the licensing board shall be indemnified out of the local rates for their respective licensing districts against any law costs or damages which they may incur in or in consequence of the due execution of the powers granted to them by this Act.

Indemnification of members.

15. The members of the licensing board shall be not less than five and not more than twenty-one in number; that is to say, for every district with not more than six thousand inhabitants, five members shall be elected; between six thousand and fifteen thousand inhabitants, seven members; between fifteen thousand and twenty-five thousand inhabitants, nine members; between twenty-five thousand and fifty thousand inhabitants, eleven members; between fifty thousand and a hundred thousand inhabitants, thirteen members; between a hundred thousand and a hundred and fifty thousand inhabitants, fifteen members; between a hundred and fifty thousand and two hundred thousand inhabitants, nineteen members; and over two hundred thousand inhabitants, twenty-one members.

Number of members to board.

16. The licensing board shall appoint a clerk and such other officers as they may deem requisite, to hold office at the pleasure of the board, at such salaries as they think fit, subject to the approval of Her Majesty's Secretary of State for the Home Department; and the clerk to the licensing board shall exercise the same functions and perform the same duties, subject to the provisions hereafter stated, as have hitherto been exercised and performed by the clerk to the licensing justices in his capacity as such.

Appointment of officers.

17. Magistrates clerks, police officers, and all other persons who have any duties to perform relative to the licensing justices, the

Duties of magistrates clerks, &c.

[24.]

A 2

A.D. 1877. licensing committees of justices, and to the granting, withholding, or transferring of licenses, shall perform the like duties relative to the licensing board, and the granting, withholding, or transferring of licenses by such licensing board, subject to the provisions in this Act contained.

5

Time of election.

18. The first election for the licensing board shall take place within the counties of Surrey and Middlesex in the month of *February one thousand eight hundred and seventy-eight*, and in the other counties of England and Wales in the month of *July one thousand eight hundred and seventy-eight*, on such day as Her Majesty's Secretary of State for the Home Department shall appoint; and subsequent elections shall take place in the counties of Surrey and Middlesex in the month of *February*, and in the other counties of England and Wales in the month of *July*, every third year, on such day as from time to time shall be appointed by the licensing board.

Appoint-  
ment of re-  
turning  
officer, and  
summons to  
preliminary  
meeting.

19. The Secretary of State for the Home Department shall name some person who shall be the returning officer for the first election, and for subsequent elections the chairman and vice-chairman shall appoint the returning officer of the licensing board; and such returning officer shall issue to all and every those persons elected to serve on the licensing board notice of their election, together with a summons to a preliminary meeting whereat shall be fixed the days on which the board shall meet for the purpose of granting and transferring licenses; and during the period within which the board hold office, it shall be the duty of the chairman or acting chairman to summon the members to such preliminary meeting which shall take place in the counties of Surrey and Middlesex every year in the month of *February*, not later than the *twenty-fourth*, and in the other counties of England and Wales every year in the month of *August*, not later than the *fifteenth*, on such day as may be deemed convenient by the aforesaid persons respectively.

Days for  
transferring  
licenses.

Time of  
licensing  
meeting.

20. The days for transferring licenses shall be such number, not less than eight, in every year as may be determined by the board.

21. The day on which the board shall meet for the purpose of granting licenses shall be held in the counties of Surrey and Middlesex within the first ten days of *March* inclusive, and in the rest of the counties of England and Wales shall be held on some day between the *twentieth day of August* and the *fourteenth day of September* every year; and the board shall have the same power of making adjournments as is at present vested in the licensing justices and licensing committees of justices.

22. Subject to the provisions heretofore stated the election of the licensing board shall be held in such manner and in accordance with such regulations as Her Majesty's Secretary of State for the Home Department may prescribe, and the Secretary of State for the Home Department shall do all necessary things preliminary or incidental to such election; provided that any poll should be taken in the metropolis in like manner as a poll is taken under the Metropolis Management Act, 1855, and the Acts amending the same, and shall be taken in any other district as a poll of burgesses or ratepayers, as the case may be, is usually taken in such district.
23. The expenses of the election and taking the poll, and all other expenses incidental thereto, shall be paid out of the local rates upon precept being issued in the manner heretofore provided to the local rating authorities, subject in case of dispute to the approval of Her Majesty's Secretary of State for the Home Department.
24. If any casual vacancy in office occurs by death, resignation, disqualification, or otherwise, an election shall be held within six weeks from the date of such vacancy, in the manner and under the powers contained in the foregoing sections; and no election under this Act shall be questioned on the ground of the title of the returning officer, or of any person presiding at the poll, or of any officer connected with the election.
25. In case any question arises as to the right of any person to act as a member of a licensing board under this Act, Her Majesty's Secretary of State for the Home Department may, if he think fit, inquire into the circumstances of the case, and make such order as he deem just for determining the question; and such order shall be final unless removed by writ of certiorari within six months after the making of such order.
26. The quorum, to be fixed from time to time by a majority of members of the licensing board, shall consist of not less than three members.
27. No act or proceedings of the licensing board shall be questioned on account of any vacancy or vacancies in their body.
28. No person who shall be a common brewer, distiller, maker of malt for sale, or retailer of malt or of any intoxicating liquor, or who shall be concerned in partnership with any common brewer, distiller, maker of malt for sale, or retailer of malt or of any intoxicating liquor, shall be eligible for election upon the licensing board; and any election made contrary to the foregoing provision shall be null and void; and no member of the licensing board at any

A.D. 1877.

Poll.

Expenses of election to be paid out of local rates.

Casual vacancy.

Determination of disputes as to qualification of members of the board.

Quorum.

Vacancies in board.

Disqualification of member of board.

A.D. 1877. meeting for the granting, withholding, or transferring licenses under this Act shall vote or take any proceedings in any part of the board with reference to the license of any house of which such member shall be owner or part owner, or of any house being in whole or in part the property of any person to whom such member shall be the partner in any other trade or calling; and every member who being hereby so disqualified shall knowingly or wilfully so offend, shall forfeit the sum of *one hundred pounds*, to be recovered by action in Her Majesty's High Court of Justice at Westminster, one half of which sum shall go to the Crown and the other half to the person who brings the action.

Causes of vacation of membership of board.

**29.** If a member of the licensing board absents himself during six successive months from all meetings of the board, except from temporary illness or other cause to be approved by the board, or is punished by imprisonment for any crime, or is adjudged bankrupt, or enters into a composition or arrangement with his creditors, such person shall cease to be a member of the licensing board, and his office shall thereupon be vacant.

Proceedings not to be vitiated by defect in election of members.

**30.** No disqualification of or defect in the election of any person or persons acting as member or members of the licensing board shall be deemed to vitiate any proceedings of such board in which he or they have taken part wherein the majority of members, parties to such proceedings, were duly entitled to act.

Minutes signed by chairman receivable in evidence.

**31.** Any minute made of proceedings at meetings of the licensing board, if signed by any person purporting to be the chairman of the board, either at the meeting of the board at which such proceedings took place, or at the next ensuing meeting of the board, shall be receivable as evidence in all legal proceedings without further proof; and until the contrary is proved every meeting of the licensing board, in respect of the proceedings of which minutes have been so made, shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified to act.

Extraordinary meeting.

**32.** An extraordinary meeting of the board shall be held at any time at the written requisition of three members of the board addressed to the clerk to the board.

Questions decided by majority.  
Record of members.

**33.** Every question shall be decided by a majority of the members present and voting on that question.

**34.** The names of the members present, as well as those voting upon each question, shall be recorded.

Appointment of chairman.

**35.** The board shall at their first meeting, and afterwards from time to time at their preliminary meetings after each triennial

election, appoint some one of their number to be chairman, and one other of their number to be vice-chairman for the three years for which the board hold office. A.D. 1877.

**36.** If any casual vacancy occurs in the office of chairman or vice-chairman the board shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their members to fill such vacancy; and every such chairman or vice-chairman so elected as last aforesaid shall continue in office so long only as the person in whose place he may be so elected would have been entitled to continue if such vacancy had not happened, and until such chairman is appointed the vice-chairman shall hold office as chairman. Vacancy in the office of chairman or vice-chairman.

**37.** If at any meeting the chairman is not present at the time appointed for holding the same, the vice-chairman shall be the chairman of the meeting, and if neither the chairman or the vice-chairman be present, then the members present shall choose one of their number to be chairman of such meeting. Absence of chairman.

**38.** In case of an equality of votes at any meeting, the chairman for the time being of such meeting shall have a second or casting vote. Casting vote of chairman.

**39.** The appointment of any officer shall be made by a minute of the board, signed by the chairman and two other members of the board, and any appointment so made shall be valid. Appointment of officers.

**40.** Nothing contained in this Act shall affect the mode of application for and granting occasional and canteen licenses. Occasional and canteen licenses.

**41.** The licensing board shall have such power of granting, transferring, or withholding billiard licenses as has heretofore been vested in the licensing justices. Billiard licenses.

# **Intoxicating Liquors (Licensing Boards).**

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A

## **B I L L**

To provide for the election of Boards  
for granting Licenses for the sale of  
Intoxicating Drinks.

*(Prepared and brought in by  
Mr. Joseph Cowen, Sir Henry Havelock, Mr. Nor-  
wood, Mr. Burt, and Mr. Ernest Noel.)*

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*Ordered, by The House of Commons, to be Printed,  
9 February 1877.*

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[Bill 24.]

*Under 2 oz.*

# **Intoxicating Liquors (Scotland) Bill.**

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## **ARRANGEMENT OF CLAUSES.**

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**Clause.**

1. Short title and extent of Act.
  2. Interpretation.
  3. New certificates not to be granted in excess of proportion of *one to five hundred* of population.
  4. Removal of certificates from one district to another.
  5. Mode of sale of spirits by grocers.
  6. Powers of licensing authority as to hours of opening and closing.
-





A  
B I L L

TO

Amend the Law relating to the sale by retail of Intoxicating A.D. 1877.  
Liquors in Scotland.

**W**HEREAS an Act was passed in the ninth year of the reign of His Majesty King George the Fourth, intituled "An Act to 9 Geo. 4.  
" regulate the granting of certificates by justices of the peace and c. 58. (1828).  
" magistrates authorising persons to keep common inns, alehouses,  
5 " and victualling houses in Scotland in which ale, beer, spirits,  
" wine, and other exciseable liquors may be sold by retail under  
" excise licenses, and for the better regulation of such houses, and  
" for the prevention of such houses being kept without such certi-  
" ficate;" and another Act was passed in the sixteenth and seven-  
10 teenth years of the reign of Her present Majesty, intituled "An 16 & 17 Vict  
" Act for the better regulation of public-houses in Scotland;" and c. 67. (1853).  
another Act was passed in the twenty-fifth and twenty-sixth years  
of the reign of Her said Majesty, intituled "An Act to amend  
" the Acts for the regulation of public-houses in Scotland," and "The Public  
15 another Act was passed in the thirty-ninth and fortieth years of Houses Acts  
the reign of Her said Majesty intituled "An Act to assimilate the Amendment  
" law of Scotland relating to the granting of licenses to sell intoxi- (Scotland)  
" cating liquors to the law of England:." Act, 1862."  
" The Publi-  
cans Certifi-  
cates (Scot-  
land) Act,  
1876."

And whereas it is expedient to restrict the issue of certificates  
20 for licenses to be granted after the passing of this Act until the  
legislature has further dealt with the law relating to the sale by  
retail of intoxicating liquors:

Be it enacted by the Queen's most Excellent Majesty, by and  
with the advice and consent of the Lords Spiritual and Temporal,  
25 and Commons, in this present Parliament assembled, and by the  
authority of the same, as follows:

1. This Act may be cited as "The Intoxicating Liquors (Scot- Short title  
land) Act, 1877," and shall apply to Scotland only. and extent  
of Act.

2. In this Act the words and expressions following shall have the Interpretation,  
30 meaning herein-after assigned to them, unless there be something in

[Bill 13.]

A

A.D. 1877. — the subject or context repugnant to such construction; viz., “burgh” and “populous place” have the same meanings respectively as are attached thereto in “The General Police and Improvement (Scotland) Act, 1862”; “population” means the population within any burgh, populous place, or parish as appearing at the time from 5 the census last taken; “intoxicating liquors” mean ale, beer, spirits, wine, and all other exciseable liquors for the sale of which by retail a license on a certificate of the licensing authority is required; “licensing authority” means the magistrates of burghs and justices of the peace entitled to act at any meeting for granting and 10 renewing or confirming (as the case may be) certificates under the recited Acts; “a new certificate” has the same meaning as is attached thereto by the last-recited Act.

New certificates not to be granted in excess of proportion of one to five hundred of population.

3. *From and after the passing of this Act*, and until the legislature shall have otherwise provided, no new certificate shall be 15 granted or confirmed applicable to premises situated within any burgh, populous place, or parish in which the number of certificates granted by the licensing authority shall at any time exceed the proportion of *one to five hundred* of the population: Provided that when or so soon as the number of certificates granted in any such burgh, 20 populous place, or parish shall not exceed the proportion aforesaid, every applicant for a new certificate therein shall, in addition to the requirements of the recited Acts, be bound to satisfy the licensing authority that his application is approved by a majority of the persons rated for the relief of the poor on premises situated within 25 *five hundred yards* of the premises proposed to be licensed.

Removal of certificates from one district to another.

4. The licensing authority in any county may at any half-yearly meeting, at their discretion, remove a certificate from premises in their licensing district to any other eligible premises in the same or in any adjoining licensing district within the same county, and the 30 licensing authority of any burgh may make the like removal within the burgh, if in their opinion the removal be necessary in order to meet the wants of the neighbourhood to which the removal is to be made, and if no objection is made by the occupier of the premises from which the removal is to be made; and the licensing authority 35 may, for the purposes of this clause, require such proof and make such adjournments as they think fit; and every application for a removal shall be proceeded with and be advertised and be subject to the like objections as are prescribed by the third recited Act with respect to applications for certificates and renewals thereof: Pro- 40 vided that every applicant for such removal of a certificate shall, in addition to the requirements of the recited Acts as aforesaid, be

bound to satisfy the licensing authority that his application is approved by a majority of the persons rated for the relief of the poor on premises situated within *five hundred yards* of the premises proposed to be licensed. A.D. 1877.

- 5 **5.** *From and after the passing of this Act* it shall not be lawful for any grocer, being a license holder, to sell a less quantity of spirits at any one time than the contents of a reputed quart bottle, being *one sixth part of a gallon*, to be contained in a bottle which at the time of such sale shall be properly corked and sealed; and if  
10 any such grocer shall act in the contrary hereof, he shall be deemed to have committed a breach of certificate, and shall be liable to the procedure and penalties applicable thereto provided by the recited Acts: Provided that nothing herein contained shall apply to dealers in exciseable liquors only, holding certificates and licenses  
15 under the recited Acts.

Mode of sale  
of spirits by  
grocers.

- 6.** *From and after the passing of this Act* the powers conferred by section two of the third recited Act on justices of the peace for any county or district, or the magistrates of any burgh, if they think it expedient, to insert in the forms of certificates to be granted by  
20 them other hours for opening and closing inns and hotels and public houses than those specified in the forms of certificates in Schedule (A.) to that Act annexed, shall extend to the whole of as well as to any particular locality within any county or district or burgh, and section two of the said third recited Act shall be read and have effect  
25 accordingly.

Powers of  
licensing  
authority as  
to hours of  
opening and  
closing.

# **Intoxicating Liquors (Scotland).**

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A

## **B I L L**

To amend the Law relating to the sale  
by retail of Intoxicating Liquors in  
Scotland.

*(Prepared and brought in by  
Sir Robert Anstruther, Dr. Cameron,  
Mr. Dalrymple, Mr. Mailland, and Mr. Jenkins.)*

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*Ordered, by The House of Commons, to be Printed,  
9 February 1877.*

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[Bill 13.]

*Under 1 oz.*

# **Irish Church Acts Amendment Bill.**

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## **ARRANGEMENT OF CLAUSES.**

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### **Clauses.**

1. Short title.
  2. Interpretation.
  3. Sale of fee simple of lands to immediate lessees and owners.
  4. Value of lessee's or tenant's interest to be settled by arbitration in certain cases.
  5. Duty on sale of interests under this Act to be paid by Commissioners.
  6. Deduction in respect of income tax in certain cases.
  7. Provisions of Act to apply to sales of interests already made to immediate lessees and tenants.
-



A  
B I L L

TO

Further amend the Irish Church Act Amendment Act.

A.D. 1877.

**W**HEREAS it is expedient to amend the Irish Church Act, 1869:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and  
5 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Irish Church Act, 1869, Short title.  
Amendment Act, 1877."

2. In this Act words and expressions to which by the Irish  
10 Church Act, 1869, meanings have been assigned shall have the same Interpretation.  
meanings respectively.

The term "principal Act" shall mean the Irish Church Act, 1869.

3. The Commissioners may at any time after the *passing of this*  
15 *Act* sell to their immediate lessee or tenant the fee simple of any Sale of fee simple of lands to immediate lessees and owners.  
land vested in them under the principal Act, and held immediately from or under them by virtue of any lease or tenancy, such sale to be in consideration of a sum equal to at least *twenty* times the amount of the general tenement valuation of such land, but in no  
20 case to exceed *twenty-five* times the amount of such valuation, less such sum in the pound as such lessee or tenant shall be ascertained by the Commissioners to have been, on an average of five years preceding the passing of the said Act, entitled to deduct for poor rates from the rent payable out of said land by him; and upon any such  
25 sale being so made the Commissioners shall by order declare the rent payable to them out of such land to be merged in the land out of which it issued, and the same shall merge and be extinguished accordingly.

[ Bill 48.]

A



A.D. 1877.

Upon the application of any lessee or tenant so purchasing, the Commissioners may by order declare his purchase money to be payable by instalments, and the land so purchased to be accordingly charged as from a day to be mentioned in such order for fifty-two years thence next ensuing, with an annual sum calculated at the 5 rate of *four pounds nine shillings* per centum on the purchase money, or for such less number of years as may be agreed upon at an equivalent annual sum, so as to discharge the principal and interest in such less number of years. The annual sum charged by such order shall have priority over all charges and incumbrances, 10 except quit or crown rents, and shall be payable by the same persons, and be recoverable in the same manner, and be subject to the same charges, if any, as the rent heretofore payable out of the same lands by such immediate lessee or tenant so purchasing.

“Lessee or tenant” for the purposes of this Act shall mean 15 the person for the time being who holds any land immediately from or under the Commissioners by virtue of any lease or tenancy.

Value of  
lessee's or  
tenant's in-  
terest to be  
settled by  
arbitration  
in certain  
cases.

4. Where any person being an immediate lessee or tenant desiring to purchase the fee simple of his land under this Act feels aggrieved 20 by the value set by the Commissioners on such fee simple, he may, if he think fit, refer such question to arbitration in manner prescribed by the principal Act.

Duty on sale  
of interests  
under this  
Act to be  
paid by Com-  
missioners.

5. The amount of duty payable upon any order made by the Commissioners upon sale under this Act shall be paid by the Com- 25 missioners out of any funds at their disposal.

Deduction in  
respect of  
income tax  
in certain  
cases.

6. Where the repayment of any principal sum, together with interest thereon, is payable to the Commissioners by annual instalments, it shall be lawful for the Commissioners to make an allowance in respect of income tax on such part of such instalments 30 as are payable in respect of interest, according to the scale in the schedule to “The Irish Church Act, 1869, Amendment Act, 1872.”

Provisions  
of Act to  
apply to sales  
of interests  
already made  
to immediate  
lessees and  
tenants.

7. The provisions of this Act shall be deemed to be and shall be an accretion to sub-section five of section thirty-four of the principal 35 Act, and where the Commissioners have under the provisions of the sub-section made any sale to an immediate lessee or tenant, he or his legal representatives may avail himself or themselves of section four of this Act, and the Commissioners shall make such allowance and concessions to him or to his legal representatives as will place 40

him or his said representatives in a position similar to that in which he would have been placed had the provisions of this Act been A.D. 1877.  
in force at the time of such sale, and such sale had been made there-  
under.

# Irish Church Acts Amendment.

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A

## B I L L

To further amend the Irish Church Act  
Amendment Act.

(*Prepared and brought in by  
Mr. Parnell and Mr. Fay.*)

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*Ordered, by The House of Commons, to be Printed,  
9 February 1877.*

---

[Bill 48.]

*Under 1 oz.*

A

## B I L L

INTITULED

An Act to amend the Law concerning the Peerage of Ireland. A.D. 1877.

**W**HEREAS it is expedient that Peerages should no longer be created which do not confer the right to sit and vote in the House of Lords :

And whereas in the second Session of the present Parliament of Her Majesty Queen Victoria an humble Address was presented to Her Majesty by the Lords Spiritual and Temporal in Parliament assembled, praying Her Majesty that the power conferred on Her Majesty under the Act of Union for the creation of Irish Peers might not stand in the way of the consideration by Parliament of any measure relating thereto that might be introduced :

And whereas to the said Address Her Majesty was graciously pleased to return the following answer : “ Relying on the wisdom of Parliament I do not desire that the powers reserved to Me by the Act of Union of making creations and promotions in the Peerage of Ireland should stand in the way of the consideration by Parliament of any measure that may be introduced on that subject ” :

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. So much of the Acts passed in the Parliaments of Great Britain and Ireland respectively “ for the union of Great Britain and Ireland,” as authorises Her Majesty, Her heirs and successors, to create Peers of that part of the United Kingdom called Ireland, is hereby repealed.

40 Geo. 3. c. 67. (G. B.) and 39 & 40 Geo. 3. c. 38. (I.), so far as relates to creating Peers of Ireland, repealed.

2. This Act may be cited as “ The Irish Peerage Act, 1877.”

Short title.

[Bill 119.]





**Irish Peerage. [H.L.]**

A

**B I L L**

INTITULED

An Act to amend the Law concerning  
the Peerage of Ireland.

(*Brought from the Lords 20 March 1877.*)

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*Ordered, by The House of Commons, to be Printed,  
21 March 1877.*

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[Bill 119.]

*Under 1 oz.*























